

A
FURTHER INQUIRY
INTO THE
EXPEDIENCY OF APPLYING THE PRINCIPLES
OF
Colonial Policy
TO THE
GOVERNMENT OF INDIA;
AND OF EFFECTING
AN ESSENTIAL CHANGE
IN ITS
Landed Tenures,
AND IN THE
CHARACTER OF ITS INHABITANTS.

By the Author of the Original
“ INQUIRY.”

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DEDICATION.

TO THE MOST NOBLE

THE MARQUIS OF LANSDOWNE.

MY LORD,

The sound principles of internal and colonial policy which have ever characterized your Lordship's public life, encourage me to dedicate the following pages to your Lordship. Among the numerous objects of public interest which solicit your Lordship's attention, there is none which has stronger claims on a generous mind,—none which will more abundantly reward exertion with heartfelt satisfaction and lasting fame, than a Reformation of the Government of India.

The grounds on which that question now rest are essentially changed, and greatly extended beyond their former limits. Having assumed the station of rulers of India, all former plans of civil and military administration appear inadequate to present security, still more disproportionate to future exigencies ; and India presents, to the eye of the statesman and philanthropist, a vast field of interesting duties and illimitable improvement.

I have the honour to be,
With the greatest respect,
My Lord,
Your Lordship's most obedient
humble Servant,
THE AUTHOR.

P R E F A C E.

THE following pages contain such further arguments, in support of the expediency of permitting the colonization of British subjects in India, as have been suggested by further observation, inquiry, and reflection, and by the books and documents which have been published, or which have come to my knowledge, since the “*Inquiry*” was written, (1820). That free scope will soon be given to the industry of British subjects and their descendants, in India, I am firmly persuaded; and the signs of the times

sanction the sanguine anticipations which I entertained, on that subject, eight years ago.

The only instance, in which I have found occasion to modify former views or statements, is in what relates to the condition of the Ryots, which appears generally to approach much more nearly to that of tenants at will than to that of privileged occupants, as they are commonly supposed to be, or of leasehold farmers, as it was predicted, by Mr. Colebrooke, that they would become.*

To those at all acquainted with this controversy it is needless to say that what is meant by the *colonization* of India is something as different from the colonization

of Canada as the emancipation of the Irish Catholics differs from the emancipation of the Greeks. It never was imagined that any part of the redundant *labouring* population of England or Ireland could find relief by emigrating to India; but that British landlords, farmers, traders, and artisans, of every description, would rapidly and indefinitely advance the agricultural and commercial interests of India, give stability and vigour to the local government, and conciliate the attachment while they raised the character of the native inhabitants. A note, however, in the *Edinburgh Review*, (No. XC. p. 346,) must have widely disseminated a singular misapprehension on the subject of the colonization of India. The reviewer admits that the author of a work on that subject is “right in point of

“ principle.”—“ But he has prodigiously
“ exaggerated its importance. A few land-
“ speculators might emigrate to India ; but
“ it is ridiculous to suppose that there can
“ be *any considerable or really advantageous*
“ *emigration to a country where the wages of*
“ *labour do not exceed three pence a-day.*”

If the reviewer can show that I calculated on the emigration of a single ploughman, or day-labourer, or point out wherein I have overstated the advantages derivable from the intelligence and energy of many Englishmen already in India, as well as of the kind of emigrants intended by me,* and generally understood by all who enter into the discussion, I shall admit that I am chargeable with exaggeration ; but, if he

cannot, it will be for the reader to judge whether the Reviewer has not “ prodigiously” *under-rated* those advantages, and mistaken the whole ground and bearings of the question. In conceding the “ principle,” the Reviewer has conceded *all that is required*. Nothing more is required than that Englishmen should be free to expend their own money, and apply their own ingenuity and labour in cultivating the resources of India. No greater or more complicated effort is required from the British Parliament than that it should give to Englishmen the liberty of unlicensed resort to and residence in India, with the right of trial by jury in all cases. Without such indispensable protection, no Englishman will invest capital in agricultural*

The name of “ Indigo planter” may mislead some into a

or manufacturing speculations, and India may continue for ever stationary in wealth, civilization, and happiness. *With* such protection no man can presume to assign limits to the advancement of which that neglected portion of the British empire is capable. It has been well observed that, “ in England, “ the advantages of large capital are evident;—in all our large undertakings, “ money is as powerful as steam, because, “ like that power, we are enabled to confine “ it, and to apply its force on the particular “ point and in the particular direction which

supposition that Englishmen are proprietors or farmers of the land on which the indigo plant is grown, which they are not permitted to be. They procure the plant on contract, and extract the colouring matter, in which process very little *fixed* capital is requisite. The average value of indigo annually exported from Calcutta is £2,500,000.

“ is required. But take from us the laws
“ of our country, and the advantages of
“ public competition, which bind and pro-
“ tect our capital, and money, like steam,
“ becomes impotent as smoke.”* The writer
of the above passage justly glories in the
security enjoyed by his countrymen, which
has given existence to so many miracles of
comfort, splendour, magnificence, and power;
and yet there is a dependency subject to the
legislature of that same country, from the
Englishmen resident in which, security of
person and property, the only foundation of
all prosperity, is withheld !

* *Quarterly Review*, No. LXXI. p. 99, on *Cornish mining in South America.*

A

FURTHER INQUIRY,

&c. &c.

CHAPTER I.

ON THE EAST-INDIA COMPANY, CONSIDERED AS
AN ORGAN OF GOVERNMENT AND OF TRADE.

THE circumspection with which the work of British legislation proceeds has seldom been more signally exemplified than in the acts of Parliament relating to India. To take a short step once in twenty years ; to adventure at long intervals to relax and untwist some of the cords of monopoly ; to be persuaded, after a careful observation of the phenomena that it was safe and expedient, first, to permit private merchants to ship a limited quantity of goods in the Company's ships—then to permit an unlimited quantity of private goods to be shipped in private

B

ships of not less than 350 tons burthen—then to permit ships of even a smaller size to navigate the eastern seas—evinces a degree of patience, temperance, and caution, which must conciliate the most timid and satisfy the most prudent. At last the fulness of time seems to be come, when the nation is prepared to receive arrangements founded on a resolution that the East-India Company is in no way advantageous as a commercial or political institution, but rather an expensive incumbrance and obstruction, which ought long ago to have been removed.

It is now almost universally agreed that the Company has long outlasted the purposes for which it was created, or in the fulfilment of which it could ever usefully participate. The first voyages, under Queen Elizabeth's charter, partook of the romantic character of an argo-nautic expedition; and for upwards of a hundred years there was, in the frame of the society, a principle of vitality which sustained them under all the vicissitudes of their own fortunes and of national revolution. During all that period their constitution was perfectly adapted to their functions; but after commercial intercourse with the several countries in the east had been securely established, and after the national force had been mainly instrumental in the acquisition of

territorial power,* the genius of the Company became more and more alien and repugnant to the high duties which devolved on it. Without making an extraordinary demand on the intelligence of the age, the dissolution of the Company might have been expected about the year 1784; still more naturally in 1793; still more in 1813; but though the absorbing interest of the war with France affords some apology for the feeble half-measures of those days, there will neither be that nor any other excuse for inadequate arrangements, at the approaching expiration of their exclusive privileges.

If any doubts remained as to the expediency of throwing open the tea-trade, they were removed by the evidence taken by the Committee, of which Lord Lansdowne was chairman, in 1821. But notwithstanding the conclusive nature of the evidence in favour of the removal of re-

* Assuredly the conquest of India, from the expulsion of the French in the seven years war to the battle of Mahedpore, never could have been effected without national fleets, national troops, and national authority. Yet we are informed that "our astonishment will be increased when it is added that this great conquest was made *not by the collective force of the nation, but by a company of merchants.*" Malcolm's Pol. Hist. of India, l. i.

strictions, the impression produced by it is less intense than that which results from the violation of all received doctrines, and of all logic, exhibited by the counter evidence. To read proofs of the superior activity and economy of free trade is somewhat tedious and superfluous ; but when the monopolist is required plainly to state his pretensions we cannot listen to them with indifference ; they provoke our impatience to correct the absurdity and remedy the evil. For these reasons I extract the following passages from the evidence of Mr. Charles Grant, as being more satisfactory and stimulating than any thing that was or could be advanced on the other side. On the subject of the expensiveness of the Company's China ships, from their being " constructed for war and for political purposes as well as for trade," Mr. Grant observes that " they serve also to command respect " for the nation and its interests throughout the " Indian seas, and particularly from the supercilious and despotic government of China. " It would be *ruinous* to the Company's interests " to give up this admirable class of ships, and " to entrust their valuable China commodities, " and the protection of their interests in the " eastern seas to a *parcel* of small ships taken " up *fortuitously*, and for a single voyage."

On the nature of the “respect” thus inspired into the Chinese government, and the fruits thereof, he says, “Although the English experience *a full share* of the haughtiness and insolence with which foreigners are generally treated while in China, yet the Chinese themselves can no more conceal their dread of the military character and power of the British nation, than they can deny their commercial preponderance among the various nations who visit the port of Canton for trade; and whatever *advantages* the servants of the East-India Company may have derived, in their various discussions with the Chinese authorities from the opinion which they entertain of the power and commercial superiority of the British nation—*advantages* to which the present state of the whole foreign intercourse may be justly ascribed; it is, nevertheless, the fact that the ENGLISH in China are considered as the objects of *more peculiar* jealousy, and hence THEIR whole conduct is watched with *more scrupulous* care.”—“The Chinese *respect* the wealth and property, *the ships* and the servants of the Company; and that respect is intimately connected with their own interest; but I do not think they would at all equally

“ respect an individual, though having the commission of the king of Great Britain.”

It is well known that the trade of Canton is conducted, on the part of the Chinese, through the medium of a company of monopolists, called the *Hong* merchants. It might be supposed, therefore, that Mr. Grant would speak with much approbation of this part of Chinese policy, especially as the profits of the Chinese Company are not fixed, like the rate of dividend of the English Company, but rise and fall according to the result of their several transactions. It might have occurred to him that, whatever could be said for or against making an exclusive Company the sole channel of foreign commerce, was equally applicable to the English as to the Chinese Company. If the English Company is beneficial to the English nation, the Chinese one must become more so to the Chinese nation, being composed of individuals who are, really, and not nominally, merchants; and if the Chinese system is injurious, the English system must be more so. Nevertheless, Mr. Grant thus describes and characterises the restrictive policy of the Chinese:—
“ The non-extension of the sale of our manufactures in China may indeed be, in a great measure, charged to *monopoly*,—but to a spe-

“cies of it now unknown in Europe, and framed
“by the Chinese themselves. Restricting fo-
“reigners to *one port*, they will only allow them
“to trade with *one company* in that port, con-
“sisting of eight or ten persons, to whom all
“the foreign trade is confined in absolute mono-
“poly; the foreigners not being permitted to
“trade with any other Chinese, nor any other
“Chinese to trade with foreigners, unless with
“the sanction of the monopoly merchants, called
“the Hong.”—“The jealous policy of the Chinese
“government; the *strict monopoly against its own*
“*subjects* under which it has placed the trade of
“foreigners; the narrow channel through which
“that trade has its entrance into the country;
“the inadequacy of such a channel for conveying
“a large trade to distant parts, &c. all these
“formidable hindrances to the extension of Bri-
“tish commerce in China seem to be quite un-
“known or overlooked; but they are all realities.”
—“The Chinese Hong fix among themselves the
“prices of the imports they receive from foreign-
“ers, and the prices of the exports they furnish
“to them, and, therefore, are in effect the ar-
“biters of the extent of foreign trade.”

Now for the contrast between the barbarous Chinese monopoly and the refined English monopoly. “The India Company,” says Mr. Grant,

“ acts, in its commercial concerns in China, as
“ an individual : it has an unity of council and
“ of operation. *It is so far a match for the*
“ *Chinese Company, the Hong.* Its imports are
“ not depreciated, as they would be if brought
“ in by various individuals, each going to mar-
“ ket for himself ; in this way one might con-
“ tinually offer lower than another, and the
“ general standard of the selling price of im-
“ ports be lowered. In the purchase of goods
“ for exportation directly the contrary might be
“ expected ; competition would enhance their
“ prices ; and thus the trade, both in imports
“ and exports, be turned against the British
“ merchant, by the number of dealers.”—“ The
“ Company, from public-spirited motives, have
“ long carried on a large trade in that article
“ (woollens) from England to Canton, at an
“ annual *loss* to themselves ; that is to say, they
“ could carry bullion to Canton on better terms,
“ commercially speaking, than they carry wool-
“ lens ; but, from a desire to promote the manu-
“ factures of this country, they submit to a cer-
“ tain loss upon the article of woollens, taking
“ teas in barter for them, and being indemnified
“ in the result by the exclusive privilege of
“ selling tea in this country.”—“ We cannot
“ get the Chinese to raise the price of the

“ woollens beyond what they stood at a remote
“ period, when woollens were, from many causes,
“ much cheaper in this country than they are
“ now.”

It is needless to insist that all the excellencies ascribed to the India Company must be possessed by the Chinese Company. The latter, doubtless, are careful that competition shall not enhance prices when they are buyers,—as of woollens from the English, and of tea from the Chinese producers ; nor lower them when they are sellers,—as of tea to the English, and of woollens to the Chinese consumers. They, also, frequently “ submit to a certain loss,” to conciliate men in authority ; “ being indemnified in the result by “ their exclusive privileges.” In every respect the one is “ a match” for the other.

The quantity of tea annually consumed in Great Britain is less than 25,000,000 of pounds, and it has been calculated that, under a free trade, allowing two ounces per week to each adult, it ought to be upwards of 60,000,000. Suppose it should only be increased to 50,000,000, the profits of the wholesale and retail dealers, and on the augmented value of the export-cargoes of China, would amount to vast sums, the loss of which may be considered a tax without any kind of compensation. But say that the price of

tea has been enhanced only one shilling in the pound (whereof sixpence for duty) on £20,000,000, here is at once a tax of £1,000,000 per annum, not for the support of the public revenue, but of an exploded and wasteful system of monopoly.

If, then, it clearly appears expedient to throw open the tea-trade, the question of the abolition of the East-India Company is decided, unless it should be found that in their political capacity they perform functions which could not otherwise be provided for at less cost: for they profess their inability to continue and to trade in concurrence with private merchants; so that the mere opening of the trade would be equivalent to their expulsion from it, and deprivation of the only fund for paying their dividends. “It cannot be “unknown,” said Mr. Grant to the Committee of 1821, “that the stability of the Company, and their “means of conducting the Indian administration, “at present entirely depend on the profits of the “China monopoly, because they derive no income whatever from the territory;”—“so that “if the China monopoly were now to fail, they “would not have wherewithal to pay the dividends to the proprietors; the Indian territory “not only yielding nothing to them, but being “very largely in debt.”

The want of a monopoly of the trade of India renders the infringement of commercial principles in that branch of their affairs less extensive and injurious. Yet we shall find in the mode of effecting remittances for the payment of the territorial or political expenses defrayed in England, a disregard of such principles, even beyond what should necessarily result from the constitution of the Company. The expedients described in their letter to Bengal, of 6th September, 1813, have been neglected; and, to a very intelligent observer, they seemed to have imposed on themselves “a rule not to admit private bills of exchange in any of their commercial transactions. Hence, when a sudden necessity arises to transfer funds from one treasury to another, the remittance is uniformly made in bullion, whatever may happen to be the exchange on private bills; and hence we see them sometimes exporting specie when individuals have ceased to find an advantage in so doing.”—“It is strange they should forego the resource of private exchange operations, contrary to the practice of all European Governments, and of every other trading company that we know of.”* In 1821—

* Prinsep's Remarks on the external Commerce and Exchange of Bengal, p. 63.

22, there were imported into Calcutta, on the Company's account, from Canton, Bombay, Bencoolen, Singapore, and Penang, about 70 lacs of rupees, though "the amount of the drafts "on the Bengal Treasury, in the same year, from "Bombay, China, and the Settlements in the "Archipelago, was very considerable." In 1813-14, when the exchange was 22 per cent. above par, a remittance of £300,000 was made from Madras, by H. M. ship *Stirling Castle*. "If we "erred on this occasion," say the Bengal Government, in their letter of 4th Feb. 1814, (and not with reference to the *mode* but to the *amount* of the remittance,) "we must repeat that the "error proceeded from an over-solicitude on our "part to fulfil the expectations and wishes of "your Honourable Court, and to promote a great "national object." This treasure had not been many months in England before the Court of Directors (in their letter of 16th August, 1814) announced their "intention to make an effort for "transmitting you, by the earliest opportunity, "dollars, or other bullion, to an amount *equal to* "the remittance we lately received from you by H. M. "ship *Stirling Castle*." There is no tracing the further progress of the transaction, the investment of the re-transferred bullion in produce, and the proceeds of that produce in England, in 1815,

after deducting freight and insurance on the triple voyage, and interest for upwards of two years. The question which the Bengal Government seems to have proposed to itself was, not whether a remittance could be most advantageously made in the shape of bullion, but simply, whether they *had* the bullion. Witness this singular paragraph of their letter of 30th October, 1813! —“ We should not ourselves be deterred, by any
“ apprehension of consequences, from deter-
“ mining on the exportation of a moderate quan-
“ tity of bullion, *if we could command funds for*
“ *the purpose*, because we are satisfied that the
“ country possesses, at present, a *sufficient* stock
“ of the precious metals; but it is, neverthe-
“ less, true, that the total discontinuance of the
“ usual importations has taken from us some
“ facilities which might otherwise have existed,
“ for effecting remittances of treasure to your
“ Honourable Court.”

Since the territorial expenses payable in England are about £1,400,000 per annum, it can never be advantageous to remit bullion from England for the reduction of debt in India, however redundant the Company's commercial profits, without having first satisfied all claims of every description arising in England; it being understood that *every remittance*, and every

transportation of property on account of the Company, with the exception of tea, is attended with loss. When, therefore, appropriations are to be made, in conformity to the fourth clause of the 57th section of 53 Geo. III. c. 155, the payments should be effected, *pro tanto*, without any actual interchange of funds, by the application of funds on the spot in each country, making the necessary entries in the accounts of the several departments. In 1818–19, however, when the clause in question came into operation, bullion to the amount of £1,000,000 was remitted to Bengal. In their letter of the 8th Oct. 1819, the Bengal Government make no objection to this circuitous proceeding, but hint their concurrence in the doubts which the Accountant-General expressed, “how far the remittances in question “ could be considered applicable to the payment “ of debt, so long as the surplus revenue of India “ should be insufficient to defray the territorial “ charges incurred in England.” This observation remains unnoticed till the 14th May, 1823, when the Directors satisfactorily reply that, having ascertained that in the commercial branch surplus profits *had* arisen, they *were* applicable to the specific purpose enjoined by the act, whatever might be the amount of the territorial deficiency.

At the expiration of the present charter, it is probable that a claim will be made on the part of the proprietors, that the money thus applied to the reduction of Indian debt, from surplus commercial profits, should be accounted for to them and distributed among them. This claim has already been advanced by Mr. Tucker, in the following passage, "Whether it was intended
" by the act of the 53 Geo. III. sec. 57. c. 155,
" that the alienation of commercial profits, by
" their application to the fourth head of appro-
" priation, should be final or otherwise, is a
" question which I am not competent to decide ;
" but if the existing charter should not be re-
" newed, *it is to be presumed* that the arrange-
" ment to be made with the proprietors of India
" Stock will proceed upon the principle that they
" are entitled to any fund which can fairly be
" shown to have arisen out of their commercial
" dealings," p. 189. In another place he says, that the proprietors " have *certainly a claim* upon
" this fund," p. 206. Yet, for the purpose of deprecating objections to the monopoly of the tea-trade, he reminds his readers that the proprietors have no interest in their commercial profits beyond their limited dividend. " In what
" manner are the profits of the Company appro-
" priated? Are they applied to increase the

“ fortunes of individuals? to gratify the avarice
 “ of the proprietors of India Stock? *Certainly*
 “ *not*. These proprietors are restrained by law
 “ from dividing more than $10\frac{1}{2}$ per cent. on the
 “ nominal amount of their stock, or about $3\frac{1}{2}$ per
 “ cent. on the real value of the capital.” This
 argument is conclusive against his claim to the
 ultimate division of the surplus profits among
 the proprietors. There is an obvious incompat-
 ibility between the claim to disinterestedness,
 founded on the restricted rate of dividend, all
 surplus being expressly applicable to definite
 public purposes, and the assertion of a claim to
 the eventual restitution of that surplus as being
 the private property of the proprietors of India
 Stock. Mr. Tucker, however, maintains both
 points with equal confidence. The surplus pro-
 fits are “certainly not” levied for the benefit of
 the proprietors; and the proprietors have “cer-
 “ tainly a claim,” and are “entitled,” to those
 same surplus profits!

There are some scarcely less singular speci-
 mens of reasoning in the replies which Mr. Tucker
 has given to the principal objections which have
 been advanced against the Company's monopoly
 of the tea-trade. The average freight paid by
 the Company is £21 : 11 : 1 per ton, (or $4\frac{6}{8}d.$
 per lb.) the ships making only one voyage in two

years. Mr. Tucker having admitted that smaller ships, which should perform the voyage within the year, could afford to sail at £12 per ton, observes, " It may here also be objected that the " private merchant, by employing a different " class of ships, would be able to procure tonnage on much cheaper terms. *This is unquestionably true*: but a preference has been " given to the ships at present employed, on the " ground that they are peculiarly well adapted " to the trade !" They " would not command " a preference if those in whom the decision of " the question has been vested were not satisfied " that there are circumstances in their favour " sufficient to outweigh the objections originating " in the higher charge of freight !" Was it ever before attempted to repel objections against the payment of a monopoly price by assuring the payer that there are circumstances which *satisfy the monopolist* that the pressure on the consumer ought to be disregarded, and that his own advantage, and the indulgence of his own extravagance, " command " the monopolist's " preference," in whose estimation the objections of the consumer are not only outweighed, but have no weight at all ? A natural monopoly requires no justification ; one judiciously selected and re-

gulated for the sake of public revenue, like those of salt and opium, may be useful and unobjectionable; but one imposed for the benefit of individuals, be they few or many, cannot but be a nuisance and a grievance.

Another objection is that, from the large stock of tea in store, and from the length of time during which the outward and homeward cargoes are in transit, an unnecessarily large capital is employed, and consequently an unnecessarily heavy charge for interest incurred. The dead weight of this objection Mr. Tucker has also found irremovable. "It may be alleged," he says, "that the private merchant would carry on the trade on a much smaller capital, since his returns would be annual, by reason of his employing smaller ships, calculated to perform the voyage out and home within the year. *This is partly true*; but under any circumstances, the capital employ'd must far exceed the amount of the annual sale." He estimates that the prime cost of the tea brought to sale annually is £2,000,000, and that the whole capital employed is £10,000,000. Now, suppose a private merchant sold annually a quantity of tea, of which the prime cost was £100,000, could he not trade to that extent without "a much smaller

“ capital ” than £500,000 ? One of £150,000 would be sufficient. The objection, then, is not “ partly true,” but true to the fullest extent.

For a third objection, that by restricting the supply they extort higher prices from the consumer, Mr. Tucker also admits that there is some foundation. “ They *ought*,” he thinks, “ by degrees to increase their annual sales, and to endeavour to draw the same profits, or even a reduced profit, (if the present rate be unreasonably high,) upon a more extended consumption of the article.” But what security does Mr. Tucker point out, what ground of assurance does he suggest why we should expect that they will ever “ attend to the interests, and consult the convenience and comfort of the British consumer,” more than they have done since the time of Queen Elizabeth ? Does he consider his appeal to feelings of undefinable duty or generosity, an effectual substitute for the principle of unrestrained competition ?

Since the opening of the trade in 1813, the increase of the exports and imports has been sufficient to falsify the predictions of all the witnesses brought forward by the Company, but has fallen incomparably short of what it would have been if the trade of *agriculture* had also been laid open. Without colonization it is im-

possible that any considerable augmentation of the exportable productions of India, or of demand for the manufactures of Great Britain, can ever take place ; and with colonization the augmentation of both is incalculable. Besides indefinitely improving the quality of the commodities which now constitute the list of exports, new articles, such as coffee, cocoa, and cochineal, “ might be made to enrich the commerce of the “ Ganges, and afford a return investment, under- “ stated at a crore of rupees.”*

In the Report of the Lords' Committee of 1821, it is stated that the value of merchandize exported from Great Britain to India had increased from £870,177, in 1815, to £3,052,741, in 1819. In the tables of Cæsar Moreau, I find the increase stated only at from £2,153,120, in 1815, to £3,163,647, in 1822. But the increase of British cotton manufactures exported to India was from £142,411, in 1815, to £1,147,393, in 1822. It was respecting the probable extension of the demand for this article that the principal dispute was maintained ; the manufacturers insisting that the astonishing powers of machinery enabled them to produce it in such cheapness as to create a demand for it throughout the whole of India, while the

* Prinsep's Remarks, p. 65.

witnesses for the Company, civil and military, strangers to the mysteries of trade, but presuming on what they considered the indispensable advantage of local knowledge, pronounced with more solemn confidence that the few wants of the natives could be supplied at a cheaper rate, and more to their taste, by articles of their own manufacture. Some specimens of the testimony then recorded may now be read with profit and amusement : such a scene will never be rehearsed again.

The most eminent witness produced was one whose administration of the Government of India, and protracted trial of eight years, had long been matter of history, and contributed to it some of its most memorable passages. The appearance of Warren Hastings was well calculated to strike the members of the House of Commons with awful surprise. It was thought the House would believe if one, as it were, rose from the dead. We have seen that the value of British cotton manufactures imported into India was, in a few years from the opening of the trade, increased tenfold ; and the use of them is continually spreading among all ranks of people. When Mr. Hastings was questioned on this subject, he said that “ the poor in India “ may be said to have no wants ;” they have “ their apparel almost without any cost.” “ The “ habits of the rich Hindoos are simple, and

“ such as require no aid from our trade.
 “ *I do not believe, therefore, that the demand*
 “ *would be increased by it.*” “ Are you of
 “ opinion that the commerce of India, as at
 “ present regulated, is as advantageous to that
 “ country as it would be if free and equal to
 “ all the subjects of Great Britain?” “ CER-
 “ TAINLY AS MUCH ; AND MUCH MORE SO.”

Mr. Cowper, formerly a Member of Council at Calcutta, was asked, “ Do their habits of
 “ living, provided their manners and customs
 “ would permit, admit of any saving sufficient
 “ to enable them to become purchasers of
 “ European commodities?” “ *I should think*
 “ *certainly not.*”

Colonel (Sir Thomas) Munro was of opinion that Europeans “ could not possibly subsist in
 “ India by manufacturing, on account of the
 “ *superior skill* of the natives!”

Captain Thomas Sydenham, formerly resident at Hydrabad, was asked, “ Are you of opinion
 “ that, in the event of a free trade, there would
 “ be any great increased demand for European
 “ commodities?” “ *Certainly not ; I do not see*
 “ *how the demand is to be at all increased by the*
 “ *opening of the trade.* The demands, of course,
 “ take place from the wants of the natives there.”

The following facts exhibit some of the differences which characterise the Company's

and the private trade. The East-India sugar imported by the Company fell from 40,241 cwt. in 1814, to 11,370 cwt. in 1822; while the quantity imported by the private trade rose from 9,608 cwt. in 1814, to 215,099 cwt. in 1822. The influence of the Company's commercial residents has prevented the superiority of the private trader from being equally conspicuous in Bengal raw silk; but in China raw silk, while the quantity imported by the Company fell from 138,326 lbs. in 1814 to 88,969 lbs. in 1822, the quantity imported by the private trade rose from 12,303 lbs. in 1814, to 133,706 lbs. in 1822.

Since the Company's dividends are confessedly levied on the people of England, in the shape of artificially-enhanced expenses and profits, and are less than a moiety of the tax to which their monopoly subjects the nation;—since it is admitted that, in their commercial capacity, the Company are positively, and negatively, a great evil, it would follow that sentence of dissolution cannot be averted but by showing that the advantages derived from them in their political character are proportionately great. And if it should indeed be found that the latter preponderate, the result would be without a parallel in any age or country. We should then

be required to acknowledge that that portion of the mere administrative apparatus for the government of India, which is resident in England, could not be provided at a less annual cost than a million. One advocate* for the Company has laboured to prove that the attributes for which this price should be paid is their peculiar fitness for the enforcement of the anti-colonial policy which has hitherto been applied to the government of India; their unwearied zeal for restrictions, and inveterate hostility to competition and freedom of every description. To this it may be replied, in the first place, that there is not one obstacle to colonization which might not exist, and be maintained with equal vigour, without the assistance of the Company. Secondly, and more satisfactorily it may be replied, that, granting the efficacy of all the illiberal principles and feelings claimed for the Company, the policy with which they are connected is in itself most erroneous and unjustifiable; incompatible with the improvement of India, and with the extension of its commercial intercourse with England. Having pursued this argument in another place, I shall here only add that if

* Robert Grant, Esq.

the extinction of the Company were to bring with it no extinction of their maxims of rule, the mere saving of the expense of a double government in England, and the reduction in the price of tea, would be advantages comparatively insignificant.

Another advocate* for the Company is of opinion that a sufficient compensation for these sacrifices is found, not in any peculiar qualifications possessed by the gentlemen who, by dint of wealth, connexions, and longevity, obtain a place in the Committee of Correspondence, but in the check which they exercise on the conduct of the Board of Control. He admits that, in every other department of government, the strength of public opinion has more than kept pace with the increasing patronage of the crown; but so indescribable and incomprehensible is everything relating to India, where “the *very* “*names* of persons, places, and things are as “foreign to the ear as confusing to the sense of “the English reader,” that the control of parliamentary vigilance and public discussion, which, in all other matters, is invaluable and irresistible, would, in respect to Indian ques-

tions, from indifference or ignorance, either fail to prevent abuses, or give an injurious impulse to the measures of administration. He admits that "the Company, by ceasing to be rulers, "and by remaining monopolists, have lost the "consideration which belonged to their former "character; while the odium, ever attached to "the latter, has been increased." Now, Sir John Malcolm does not propose that they should resume their power, or relinquish their monopoly, but only that means should be contrived for giving to men, who have served with distinction in India, easier access to the upper seats in the Court of Directors, and that the Board of Control should interpose its authority less frequently. The functions of an organ so constituted, and so dearly maintained, he esteems of more value than the gratuitous exertions of Parliament and the press.

But the defects of such a scheme are obvious and incurable. In the first place, the Board of Control never can be persuaded to recede an inch from the commanding position which it has held for many years: its tendency must rather be to make its power be felt more distinctly and diffusively from year to year: in proportion to its increased familiarity with the subject it must become more interested in the success, and more

practised in the superintendence of its own plans: habit, ambition, duty, the strongest, the most constant, and the most honourable motives of human conduct must combine to make it identify itself more and more with the success of the Indian government, and to stand forward in the eye of Parliament and of the nation as the responsible administrator. Secondly, under such circumstances it is impossible that men, conscious of talent, and touched with a generous love of fame, could consent to appear in so degraded a theatre; the obstacles presented by the fatigue, humiliation, and expense of the first canvass, which Sir John Malcolm seems to consider the most difficult to be surmounted, are as nothing compared with the total deprivation of consideration and dignity in the office itself. An office in which talent can neither find its appropriate exercise nor reward, can never attract to itself men capable of influencing the conduct of political affairs. Thirdly, whatever may be the private respectability of individual Directors, their want of power, direct or indirect, legal or moral, renders their attempts to impel or restrain the movements of the Board of Control nugatory. If they are independent of ministers, and, therefore, free to express their real sentiments on all occasions, ministers are as completely inde-

pendent of them, and, therefore, under no obligation to pay the smallest attention to their remonstrances, provided they retain the support of the King, the Parliament, and the public. The opinions of these three bodies, right or wrong, are those only which ministers acknowledge as a check on their proceedings. Nor are the disadvantages under which they labour, in examining questions of Indian policy, by any means so great as Sir John Malcolm would fain persuade us. The names of “things” may be translated, and made as intelligible to “the English reader” as they are to the native, or to the Englishman who has spent thirty years in India. If that were not the case, how did Lord Cornwallis and Lord Wellesley, in the first week of their administration, take into their hands the reins of government with as much confidence, and as much skill and success, as if they had been nursed and dandled into a knowledge of the languages of India, or spent days and nights in their acquisition? How are such facts reconcilable with the importance which Sir John Malcolm attaches to “local knowledge;” an importance which constitutes the foundation of his whole system, and of the principal arguments by which he supports it? It is true that the names of “persons and places” cannot be trans-

lated, but what is there more “confusing to the “sense” in the name of Tippoo than in the name of Bonaparte? in the names of Plassy, Laswary, and Assye, than in the names of Blenheim, Salamanca, and Waterloo?

Besides the futility of the objection, founded on the foreign sound of Indian words, it is to be observed that the objection is not applicable to the British community in India. Their knowledge is not acquired through the spectacles of books, but by local observation. Their interest in the subject is not deadened by distance, nor distracted by the obtrusion of nearer objects and louder solicitations. Their ability, therefore, to assist the Parliament and people of England, in thoroughly understanding the circumstances and interests of India, is indisputable. To give to *them* the liberty of unlicensed printing would be to provide the most effectual and cheapest security against local mal-administration which it is possible to establish. But Sir John Malcolm goes farther in quest of a check, and fares worse. He shuts the mouth of the Indian public, and leaves open (because he dare not propose to shut) that of the English public, which, by his own showing, is disqualified for the task of usefully commenting on the affairs of India. He also leaves to Parliament its freedom of investigation

with the same acknowledgement of its incompetence, and maintains, at an incalculable expense, an establishment for the express purpose of controlling the Board of Control, by sending up probationary drafts of paragraphs, on which the latter "hold the pen of correction," running with unlimited freedom and absolute authority; and we may imagine with what spirit an unseen controversy is supported *ubi tu pulsas, ego vapulo tantum*.

While the Indian public is silenced and excluded, and that of England depreciated and distrusted, it is evidently the object of Sir John Malcolm to give to men, who have performed approved services in India, a monopoly of claims to hold high office connected with the government of India, both in England and in India. Since they alone have a true understanding of Indian affairs, and know how far and in what instances they ought to be exempted from the influence of principles which are commonly held to be of universal application, a certain number of them must be active members of the Board of Control; and, since the Board must be counterpoised by the Court, another party of them must infallibly be Directors, so that half the parterre should just reflect the other. That such persons should be considered eligible, according to their

qualifications and opportunities of making them known, for high office in every department of government is most reasonable; but, that they should be esteemed the only depositaries of knowledge regarding India, and that the existence of the East-India Company, with its monopoly of the tea-trade and its legion of clerks, should be prolonged for the sole purpose of providing comfortable places for them, wherein they are to assist in the drafting of despatches, which may not be adopted, and to sign despatches of which they have not approved, is a degree of extravagance to which the well-earned reputation of Sir John Malcolm will never reconcile the members of both houses of Parliament, to whom, in spite of their alleged incompetence, the decision of this matter will soon be committed.

It may be said, that whatever may be deficient in the qualifications of the Directors for the discharge of their political functions, is supplied by those of their secretaries and examiners, who are men of acknowledged ability and information. But whatever may be the merit of these gentlemen, they labour under great and depressing disadvantages; nor is it possible that they can proceed with any degree of alacrity and sustained zeal while smarting under the censorship exer-

cised on their productions by the antagonist-clerks of the Board of Control.

Indeed, most people would rather be charged with duties distinctly ministerial, than be mocked with the name and semblance of power, while the substance is in other hands. If there were the slightest utility in this double apparatus, why is the management of Indian affairs the *only* department of government to which it is applied? Why not give to every other department two sets of administrative officers, one ostensibly directing, but really directed,—the other nominally controlling, but really directing?

Let us see, too, how Sir John Malcolm attempts to reconcile the respect which ought to be entertained for the Court of Directors with the power vested in the Board of Control. Of the importance which he attaches to the upholding of the respectability of the Directors, the following passages are sufficiently illustrative. “ It is to a system of depression they (*i. e.* “ those who aim at the destruction of the Com- “ pany) trust for ultimate success ; but nothing “ can be more hazardous to the interests of the “ Indian empire than this mode of killing, as it “ were, by inches the body through whom it is “ governed. The Court of Directors should not “ *only* be maintained in all their rights and pri-

“vileges, but elevated, if it is desired to render
“it a useful and efficient branch of the Indian
“government : if not, the sooner it is abolish-
“ed the better.” (II. 102.) “Considering
“that of all governments that is least likely to
“command respect and gain strength, over
“which a sword is always suspended, and
“which holds existence under respite, it would
“be better either to abolish the Company as a
“medium of governing India, or to give to that
“body a broader, more solid, and more perma-
“nent foundation.” (II. 115.) But if the only
expedient suggested by Sir John Malcolm for
“elevating” the Court of Directors, and giving
to them a broader, more solid, and more per-
manent foundation, be utterly incapable of pro-
ducing such consequences, he must admit that
“the sooner it is abolished the better.” To the
attainment of his object some enlargement of
the power of the Court of Directors would be
indispensable, but he does not propose to grant
any such enlargement. He leaves the Board of
Control in the undisputed possession of their
present plenitude of sovereignty. He regrets
that patronage should form the principal motive
in seeking the direction, and the chief reward
after having attained it, yet offers no worthier
object to their ambition. His sole remedy—the

only change which he proposes in the existing system—is that the leading Directors and Members of the Board of Control should be men who have acquired local experience in some branch of the public service in India; an arrangement which could have no perceptible effect in elevating and strengthening the position of the Directors.

Nor would his deprecation of the too frequent interposition of the Board's authority, his argument, *ad misericordiam*, be more effectual. “If the interference of the Board,” he observes, “descends into every minute question, and its power of dictation is in frequent exercise, the Court of Directors will either sink into a mere channel for its orders, or the respect for the Board will be diminished, and there will be an end of that feeling and good understanding which it is essential should subsist between these two authorities. In such case we might apprehend the complete fulfilment of Mr. Burke's prediction of the result of the present form of our Indian administration: that can alone be averted by the temper, moderation, and knowledge of those at the head of its separate branches.” Now, Mr. Burke's “prediction” was of that sort the fulfilment of which is past praying for. It was as if one

should predict that, on a particular day, there should be rain, or snow, or fair weather, *viz.* “ The scheme of reconciling a direction really “ and truly deliberative with an office really and “ substantially controlling, is a sort of machi- “ nery that can be kept in order only a short “ time. Either (1) the Directors will dwindle “ into clerks, or (2) the Secretary of State, as “ has hitherto been the case, will leave every “ thing to them, often through design, and “ often through neglect. (3) If both should “ affect activity, collision, procrastination, delay, “ and, in the end, utter confusion must ensue.” For a long period the President of the Board of Control did leave every thing to the Directors ; subsequently the Directors have dwindled into clerks, and I have already stated my reasons for thinking that they will never recover any part of their power. Sir John Malcolm admits that they have “ ceased to be rulers,” and has failed in prescribing any thing which could have the smallest tendency to improve their situation. But “ collision, procrastination, delay, and con- “ fusion,” could never be the consequence of *both* affecting activity, unless they possessed co-ordinate authority, each having a veto on the other : but since that is not the case, the activity

of the Directors, if they can keep it up, must be equally harmless and fruitless :—

————— *frustra sectabere canthum,*
Cum rota posterior curras, et in axe secundo.

Sir John Malcolm does not seem to have been aware how widely, and, indeed, diametrically opposite were the conclusions he wished to establish from the positions which Mr. Burke irrefragably maintained. Mr. Burke affirmed that the government of India ought to be confided to *one* authority, since there could not be a useful co-operation of both. Sir John Malcolm contends that a direction, really and truly deliberative, *may be* reconciled with an office really and substantially controlling, *if* the latter can be persuaded to submit to an indefinable degree of forbearance and self-denial. If it cannot be charmed into due moderation, “ if its power of dictation is in frequent exercise, the Court of Directors will *either* sink into a mere channel for its orders, *or* the respect for the Board will be diminished, and there will be an end of that feeling and good understanding which it is essential should subsist between these two authorities.” As if the Court could resist the dictation of the Board, and avoid sinking

into a channel for the transmission of its orders ; or, as if the Board had adequate motives for conciliating the Court by a compromise of its just authority !

No adversary of the Company has ever expressed himself with greater severity than Sir John Malcolm has done in the first sentence of the following passage. “ *If we had to establish an administration for British India, as it now exists, the man would justly be deemed insane who should propose the present system.* But the case is widely altered when we recollect that it has grown with our empire ; that the managing partners of a body of merchants have gradually risen from the details of a factory to the charge of kingdoms ; that their departments in every branch of Government have kept pace with their enlarged functions ; and that the result of the whole has been success and prosperity.” In all this there is as little consistency as precision. If the result has been so prosperous, and the means so adequate to its progressive expansion, why should the man be deemed insane who should propose the system which had produced it ? If these managing partners have really risen to the charge of kingdoms, why are we afterwards told that they have ceased to be rulers, and lost the consi-

deration which belonged to their former character? And how are we to reconcile this unqualified assertion of prosperity with his frequent intimations of dangers, which "every moment" threaten the destruction of our empire? Much of this confusion may be inseparable from the cause which he has undertaken to support, but part of it must be attributed to a conflict in his mind, between his former and his present opinions on the subject of the Company. The association of the idea of insanity with the functions assigned to the Court of Directors could only have occurred to one who had been keenly struck with the incongruities, and intensely convinced of the evils flowing from such preposterous arrangements. Of a system really calculated to produce "success and prosperity," the founder would either be held in time-honoured remembrance; or its excellencies would be found, like those of the British Constitution, greatly to transcend whatever had entered into the design and contemplation of its earliest artificers, and to be the offspring rather of a providential combination of circumstances, than of human wisdom and foresight.

I proceed to show that, in the first edition of his Political History of India, published in 1811, Sir John Malcolm was so far from thinking it

expedient to give the Court of Directors greater means of acting as a check on the Board of Control, that he was anxious to deprive them of what they then possessed, without inquiring or seeming to care what became of the Company in their commercial capacity. It is worth observing, that though the historical part of the second edition is a republication of the first five chapters of the first edition, with the addition of two chapters containing the administrations of Lords Minto and Hastings, in which negotiations and events are related with exactly the same degree of succinctness which is used in the preceding chapters, yet the first edition is entitled a "*Sketch of the Political History of India*," while the second is designated "*The Political History of India*." The following passages retained, or slightly modified, in the second edition, further show that the original title ought also to have been retained. "It is foreign to the object of *this* SKETCH to detail the military operations between the British Government and the Mahratta Chiefs Dowlut Row Scindiah, and the Rajah of Berar." (I. 264.) "The political administration of the Marquess Wellesley was marked by a number of minor measures, undertaken and executed on the same principles, and with the same spirit and success, as those which

have been described : but however deserving of notice, it is impossible to dwell upon every one without swelling this

WORK to a size beyond what is intended. We shall therefore confine ourselves to a statement of changes which he effected in the connexion between the British Government, and the dependent States of Oude and the Carnatic.”—*Second Edition*, vol. i. p. 273.

SKETCH to a size beyond what is intended. I shall therefore proceed to give as *concise* a statement, as the subject will permit, of those radical changes which he effected in the connexion between the British Government, and the dependent States of Oude and the Carnatic.”

—*First Edition*. p. 319.

In order to perceive the full import of the following passages from the first edition, the reader will do well to guard against the effect of the diffuse and periphrastic (or, perhaps, diplomatic) style which is habitual to Sir John Malcolm.

“ From what has been stated regarding the character of the Board of Control and the Court of Directors, and from all experience, since the first introduction of this form of government, it appears unlikely that these public bodies should ever cordially agree regarding the political administration of India ; and as

“ their frequent disagreement must produce the
“ worst of consequences, some means will, pro-
“ bably, be devised of making the authority
“ which is actually to *direct and control* the poli-
“ tical affairs of India *more efficient to its large*
“ *functions, and of avoiding a collision at the*
“ *very source of authority*, which must, while it
“ continues, spread weakness and distraction
“ among all who are subject to it; and the
“ effect of which will be always more dangerous
“ from the character of party-spirit in England
“ and the distance and nature of the Indian
“ government.

“ It is a principle of the British Constitution
“ to leave the executive administration of the
“ country free and unembarrassed in the employ-
“ ment of its principal officers, and the execu-
“ tion of those measures which it may deem
“ wise and advantageous to the state; for which,
“ however, the administration of the day be-
“ comes strictly responsible to the public. Its
“ applause or condemnation determines their
“ title to fame and the period of their power;
“ and this forms, perhaps, as great a check as
“ it is possible to have upon human actions.
“ This check has been found sufficient to the
“ management of the affairs of the empire of
“ Great Britain, *and would appear equal to the*

“ *conduct of the political government of the pos-*
“ *sessions of that power in India.* It may be
“ questioned, therefore, how far it is either wise
“ or consistent with the constitutional principle
“ here stated to fetter and embarrass the admi-
“ nistration in the execution of every measure
“ which they adopt respecting that country. It
“ will be said that, under the Act of Parliament,
“ the Board of Control have the power, and
“ that they must ultimately prevail in any con-
“ tests which they have with the Court of Di-
“ rectors of a political nature: but the very
“ privilege of an official expression of contrary
“ opinion, which the form of the Act warrants,
“ has the effect of throwing these questions into
“ discussion; and that effect produces delays,
“ destroys confidence in the local government of
“ India, and renders the whole system of our
“ rule in that quarter weak, wavering, and dis-
“ tracted.

“ The Court of Directors cannot claim, under
“ the Act, political power in the administration
“ of British India as a matter of right, *but they*
“ *should be debarred from seeking it through the*
“ *means of their influence or patronage;* and
“ that can never be done unless by some modifi-
“ cation of the present system, which, by a
“ strange contradiction, often compels, as a

“ matter of form, a committee of this body to
“ an official expression of sentiments upon a
“ political subject, which have afterwards been
“ declared to be at complete variance with the
“ judgement of those by whom they were offi-
“ cially stated.”

When these opinions were published, in 1811, Sir John Malcolm had, as he informs us in the preface, passed twenty-five years in India. In the preface to the second edition, published in 1826, he says :—“ additional experience and
“ more maturity of judgement have led to a
“ confirmation of some of his former sentiments
“ upon these subjects, *and to a different view of*
“ *others.*” But in a matter so highly interesting the reader would have been glad to see an explicit statement of the points on which he had seen reason to renounce his former opinions, as well as of the nature of the experience which had induced the change, and the time when it had occurred. Such an explanation would not only have tended to obviate the conjectures and misconstructions to which such changes inevitably give occasion, but, if found satisfactory, would have enabled him to take his readers along with him in the profession of his new creed. Of the fifteen years which intervened between 1811 and 1826, Sir John Malcolm passed only five

years in India, from 1817 to 1821 ; and, in the absence of his own declaration, one cannot help thinking it probable that he did not begin to see the expediency of *elevating* the situation of a Director, and of requiring that service in India should be an indispensable qualification for the office, till *after* 1821. If that supposition be well founded, he will have some difficulty in persuading his readers to prefer the maturity of his judgement during the last period of five years to its immaturity during the former period of thirty-five years ; and in going over with him to the extraordinary conclusion that, if a slight power of counteraction in the Court of Directors “ produced delay, destroyed confidence in the “ local government, and rendered the whole “ system of our rule in that quarter weak, wavering, and distracted ;” to arm them with greater powers of counteraction, and encourage them to the assertion of higher pretensions, and to the vindication of more extensive privileges, would prevent delay, strengthen confidence in the local government, and render its administration more uniformly energetic and consistent.

This is not the only instance in which additional experience and more maturity of judgement have betrayed Sir John Malcom into a desertion of the right path, and bewildered him in

a maze of error and empiricism. On the subject of colonization and the revenue and judicial systems, the few opinions which he formerly expressed were founded on sound and recognized principles of policy and economy. Now he shuts his eyes to that central light, and painfully gropes his way amidst barbarous practices and uncouth usages, not for the purpose of bringing order out of confusion, but of arresting improvement, excluding reform, and perpetuating ignorance and poverty.

Like every other advocate for the Company, Sir John Malcolm has availed himself of the eagerness with which objections to placing the patronage of India at the disposal of Ministers are listened to, well knowing and avowing that “ the alarm taken by the public at the transfer
“ of the patronage now enjoyed by the Directors
“ to the Ministers of the Crown, *has hitherto*
“ *contributed more than all other considerations*
“ *to the preservation of the Company.*” He admits that “ it would not be difficult to arrange,
“ without much increase of the influence of the
“ Crown, for the disposal of the appointments
“ of writers and cadets ; nor is it of much consequence by whom or how these are selected,
“ provided means are taken to insure their possessing the requisite qualifications ;” so that

the question is reduced to the quantity of patronage which Ministers would acquire by the preferment of public servants *in India*, and to the practicability of increasing it by the infringement of regulations and acts of Parliament. These he exaggerates beyond what is warranted by any record of the profligacy of Ministers, or the endurance of the public, in the worst of times, insisting that, "though the departments " abroad were defended by regulations and acts " of Parliament, numerous inroads, nevertheless, " *might and would* be made upon them." Upon this I would observe, first, supposing arrangements made for placing in other hands than those of Ministers the greater part of the patronage of appointment, and that the attainment of the requisite qualifications was made a condition precedent to the grant of the appointment, civil and military officers would continue to be, as they are now, wholly unconnected with the political parties which prevail in England, and preferment would continue to be directed, as it is at present, by the mixed considerations of sincerity, merit, and interest. The balancing of these claims, and the adjudication on each case, would rest with the Governor-General, whose interest as well as duty it would be, first, to insure the success and popularity of his administration; next,

to attend to the solicitations of friends and connexions, as far as might be compatible with a due regard to those higher objects. In holding this course the Governor-General would be seasonably encouraged, or checked by the voice and demeanour of the community, on whose welfare, satisfaction, and applause he would acutely feel that, after the testimony of a good conscience, his present comfort and future fame chiefly depended. The distance of the scene, too, instead of being favourable to the enterprises of ministerial rapacity, would further protect him against pressing interference from England, and afford him various grounds of resistance to improper applications. Secondly, all the means of defence against mal-administration, possessed by our West-Indian colonies, in a free press, representative assemblies, and absentee proprietors, having seats in the House of Commons, may be enjoyed in India, the first immediately, the rest when the fruits of colonization shall be sufficiently mature. The local press would be abundantly able to cope with such abuses as the multiplication of useless places, sinecures, and pensions ; and as to thrusting strangers over the heads of those who belonged to the service, against the plain provisions of an act of Parliament, and against the obvious interest of the whole service, though Sir John

Malcolm has gone so far as to insinuate that such unjust and illegal acts would be committed and tolerated, I am far from thinking so injuriously either of Ministers, or of those whose duty it would be to resist such proceedings. Thirdly, in every department of Government, civil, military, judicial, and ecclesiastical, the purity of administration has long been, and still is, progressively increasing. The candidates for office, high and low, possess superior qualifications ; the claims of merit and approved service are more respected ; the restraints on the abuse of patronage better defined and more effectual. These improvements may be traced to the working of our free institutions, and to that publicity which is the animating principle of all responsibility ; and one immediate source of them has been the reports of commissioners who have been from time to time appointed, at home and abroad, to inquire into the modes of transacting business ; and to suggest remedies for whatever evils were found to exist. It is amidst accumulating evidence of the most earnest, active, and effectual exertions to promote virtue and discountenance vice, to abate monopolies and facilitate competition, that Sir John Malcolm advocates the prolonged existence of an institution which is itself the most enormous abuse which has been suffered to remain. He

has more faith in the wisdom, public spirit, and efficiency of an institution which he confesses it would be insanity to propose to establish, and which taxes the people of England at discretion, while it excludes them from the vast field of Indian agriculture, than in the majesty and vigilance of Parliament, the integrity of courts of justice, and the ceaseless energy of public opinion.

The proposition for appointing a Governor for Bengal, and placing the Governor-General, with a separate establishment of secretaries, permanently in sole charge of the political administration, with a right to preside, whenever he thought fit, at the Council-Board of any of the Presidencies, and of over-ruling their resolutions regarding the internal administration of their respective Presidencies, has a plausible sound ; but on a closer examination it will be found that the benefit derivable from it, instead of being, as Sir John Malcolm pronounces, "incalculable," would be greatly outweighed by the expense, embarrassment, and inconvenience. With respect to the expense, it is strangely underrated by the author of the project. He says, "It would include
" but little beyond the pay of a Governor, or
" Vice-President of Bengal. With regard to
" other parts of the arrangement, as *the same*
" *duties* would only have to be done in a different

“mode, it would be little more than a transfer
“of office, with some increase of pay to those at
“the head of each department.” Now, as he
has proposed that the Governor-General should
have five secretaries, on the highest scale of salary,
in the political, public, judicial, revenue,
and military departments; and as the Bengal
Government could dispense with little of its present
establishment of secretaries, the additional
expense could not be less than four and a half
lacs of rupees per annum: namely, half a lac for
each secretary, a lac and a half for the Governor
of Bengal, and half a lac for office establishments,
to say nothing of assistants, private secretaries,
and aides-de-camp. As it is further proposed,
that “no diminution be made of the Governor-
“General’s influence and patronage,” how would
the Governor of Bengal be able to conduct the
internal administration or the Governor-General
be relieved from its details, and left free to attend
to matters of higher importance and more general
concern? There is scarcely an act of Govern-
ment that does not involve questions of pa-
tronage and the right of decision on the measure
or arrangement, which cannot be separated from
the right of selecting the persons who are to ex-
ecute the duties connected with it. It follows,
therefore, that the Governor of Bengal, in having

a title and salary corresponding to those of the Governors of Madras and Bombay, would be over-titled and over-paid, because his functions would not be higher than those of a Member of Council. It follows, too, that when the Governor-General was absent from Calcutta, almost all papers would be transcribed and recorded in the offices of *both* sets of secretaries; and when he was present the duties of his own set would be suspended, and they and their establishments turned into sinecurists. Some of these objections would not be applicable to the establishment of a *fourth Presidency* for upper and central India: but such an establishment would at present be premature, and may, probably, never be advisable.

“There would be a further advantage,” says Sir John Malcolm, “in separating the duties of Governor-General from those of the Government of Bengal, in its withdrawing his high name from those minor acts which must always agitate a community composed like that of Calcutta. This would in no material degree diminish his power, but it would prevent the necessity of its daily exercise in any manner that could lessen or injure those general impressions of respect, which are so essential to the success of his administration.” We have seen that the proposed separation of duties (the

Governor-General retaining his patronage undiminished) is impracticable ; but we may just notice the compliment paid to the inhabitants of Calcutta, in supposing them always *agitated* by such *minor* acts of Government as are unworthy of the care and responsibility of a Governor-General. Does Sir John Malcolm allude to such trifling acts of power as striking terror into all connected with the press by the suppression of a newspaper? or by kidnapping, transporting, and ruining its editor? Would he reckon the passing of a stamp-regulation one of those inconsiderable circumstances which might unreasonably detract from the respect due to a Governor-General? And will he cite any transaction of less importance which has ever occasioned the slightest agitation in the community of Calcutta? Thus, without insisting on the collisions which might be expected, the scheme appears open to unanswerable objections, and beset by irremediable inconveniences ; as must be the case with every plan which seeks to strengthen the Bengal Government, without the materials which colonization alone can supply.

The substance of Sir John Malcolm's observations on the expediency of consolidating into one army the armies of the three presidencies must meet with general concurrence. Its ten-

dency to extinguish the discontents, and to make the army more available for general service, is undeniable. The latter effect would not, however, be produced in the degree supposed, nor to any extent which would materially obviate one of the greatest sources of weakness in our present system of rule. The districts from which the armies of Bengal, Madras, and Bombay are recruited are of limited extent; the families of the men remain at their homes in the pursuit of their agricultural avocations, and the men obtain from time to time leave of absence, for the purpose of visiting their families and looking after the cultivation of their farms. If, from the distance at which the corps is stationed, these furloughs can only be granted at long intervals, an arrear of claims accumulates which can never be satisfied; by estrangement from domestic ties discontent is generated, the spirits depressed, the temper soured and prepared for mischief. The equalization of pay and allowances and the union of feeling and interests among the European officers do nothing towards the removal of this difficulty. And if, as Sir John Malcolm assures us, "there is no principle of policy likely to be more conducive to the security of the empire" than our power to employ the natives of one presidency in the

“ candidates fill the niche they occupied; nor
“ does the state suffer by the change; for the
“ constitution of the army to which they belong
“ requires, in its inferior officers, no qualifications
“ that may not be easily acquired. But how
“ different is the situation of those who enter
“ the Company’s service! Their youth must be
“ devoted to the attainment of acquirements,
“ without which they are unfit even for the
“ subaltern duties of a native corps; they have
“ no escape from their lot in life; discontent
“ and disappointment in it not only corrode
“ their own minds, but spread a baneful in-
“ fluence over the minds of others: their place,
“ after they are in any degree advanced, can-
“ not be easily supplied, for certain qualifica-
“ tions, which time and study alone can give,
“ are requisite to those who succeed them.”

Under a system of colonization not only would the advantages above-described as belonging to the army in England, be equally possessed by the colonial, or creole part of the Indian army, but they would be in a great measure participated in by the division of the royal army serving in India. The latter would, at first, be separated from their relations, but they would find resources against that monotonous and insipid tenour of life, which is now one of the

greatest disadvantages attending a residence in India, in intercourse with an animated and varied society. There would then be a great diminution of ennui, and of the habit of building castles in the air, which is so frequently the solace of a cantonment life. The great bar to happiness, however, is considered to be the slowness of promotion, and invention is wearied with schemes for inducing the seniors to retire, so as to quicken the advancement of the juniors. As the pension of full pay, after twenty-two years' service has been found to be utterly inoperative towards the accomplishment of that object, arithmetic has been tortured in the projection of Retiring Funds, which, by means of a light monthly contribution, should yield a handsome annuity to the contributor, while yet in the vigour of his days. Unfortunately it was found that there was no transmuting poverty into wealth, without extrinsic aid, and that it was impracticable to provide annuities of magnitude sufficient to overbalance the temptations to continue in the service. Still the periodical return of this delusion, the renewed pursuit of this bubble, indicates the strength of the uneasy feelings in which it has its origin.

If "the rise of European officers in the

whose gallantry in the field had been conspicuous.

The disallowance of the rank of colonel to officers who rise to the command of regiments in the Indian army, while it is allowed to those who have been similarly promoted in the Royal Artillery and Engineers, is a grievance so glaringly severe and unjustifiable as to call loudly for instant and retrospective redress. On the other hand, it would be reasonable to make a revised distribution of staff-employments between the English and local branches of the army, by which a somewhat greater proportion should be allotted to the former than they now enjoy. •Great progress has been made in allaying jealousies and promoting emulation ; and the removal of the few obstacles which remained should be objects of generous and unceasing solicitude.

One cause of dissatisfaction is the difference of $4\frac{1}{2}$ per cent. between the rupees issued to the civil and military services on the Bengal establishment. In the upper provinces, where the Sonat rupee is current, the difference of $4\frac{1}{2}$ per cent. is added* to the salaries of civil servants ;

* By a late regulation, those nominated to appointments in

and, in the lower provinces, where the Sicca rupee is current, the difference is deducted from the pay of the army. For many years after the establishment of the British power in India, the variety of rupees was extremely troublesome ; at last they were reduced to four descriptions, the Sicca, the Sonat (or Furruckabad), the Madras, and the Bombay rupee ; exclusive of those which are coined at Hyderabad, Nagpore, Lucknow, Gualior, and other places beyond the Company's provinces. Habit being less wedded to one standard and denomination of coins than of weights and measures, it is more easy to introduce uniformity in the former than in the latter : but the measure is not unattended with difficulty, public establishments being unwilling to submit to a reduction in the nominal amount of their pay, if a rupee of the highest intrinsic value be adopted as the standard, and the payers of the land-revenue and other taxes being equally averse to an enhancement in the nominal amount of their payments, if a rupee of the lowest intrinsic value be adopted ; especially as the reduction in the one

the upper provinces since the date of the regulation, do not receive the difference.

case and enhancement in the other would generally have the effect of destroying the roundness of the sum, and presenting an ugly fraction which it would be desirable to get removed by what would seem to each individual a *slight* increase of pay and decrease of tax. In the only instance in which the circulation of a rupee of lower value has been extended, (as when by Reg. XI. of 1819, the coinage of the Benares rupee was discontinued, and the Futtyghur rupee of $2\frac{1}{4}$ per cent. less value substituted,) government considered it preferable to leave the nominal amount of the land-tax undisturbed, relinquishing the difference claimable from the Zemindars.

It so happens, that the value of *two shillings* (including the seignorage) is about the average of that of all the rupees coined by the British government in India. It is worthy of inquiry, therefore, whether it would not be practicable to coin only one rupee throughout the whole of British India, containing as much pure silver as there is in two shillings, (gr. 161.44,) and to secure to government the same profit which is derived in England from the seignorage of 6 per cent. by the introduction of an abundant gold coinage, consisting of gold mohurs exactly coincident in value with sovereigns, and exchanging

for ten rupees ; gold being, at the same time, made the only legal tender for sums exceeding twenty rupees. If this arrangement were effected, it would only require a change in the “ image and superscription ” to transform the half rupees into shillings, and the gold mohurs into sovereigns.

CHAPTER II.

ON THE PERMANENCE OF OUR DOMINION IN
INDIA.

THERE is no material difference of opinion as to the nature and the magnitude of the dangers which threaten the subversion of our power in India. All agree that it has no root in the affection of the people, that it subsists by their distrust of each other, and dread of our superiority in the field, while the progress of our system, in producing universality of depression is continually supplying motives of union against the common enemy; but there is a wide difference between the modes of treatment recommended under these alarming and critical circumstances, the advocates of colonization contending that the observance of that policy would gradually afford all the elements of national greatness, industry, knowledge, assimilation, and a combination of efforts towards the promotion of the public

welfare ; the opponents of that policy avowing, more or less directly, that they consider it preferable to forego its benefits, and to incur the daily risk of rebellion, rather than to enter on a course of measures which might ultimately lead to a discontinuance of the political connexion between India and England.

A handful of foreigners sweep into the Exchequer, and divide among themselves, nearly the entire net produce of the land and labour of a country containing six times the population of Great Britain. The natives are considered incapable and unworthy to hold any but the lowest offices, civil and military, and by exclusion are rendered more incapable and untrustworthy ; while every precaution is used to prevent the springing up of a community of interest and feeling between them and the foreigners, for which purpose the latter are prohibited from employing their skill or investing their capital as farmers or proprietors of land, and encouraged or constrained to transfer their accumulated savings to their own country. In this manner is India debarred from the acquisition of wealth, and subjected to a continual drain of its scanty store, in the payment of an annual public and private tribute of about three millions. With respect to public tribute, it has for

some years consisted of the expense of political establishments in England, and of interest and pensions to absentee-creditors and officers, to the amount of a million. At an earlier period it consisted of whatever surplus revenue could be abstracted: there may, therefore, be a diminution of injury, but there is none of loss.

The profits of the cultivator out of his half of the produce are barely sufficient for his subsistence, the other half of the produce being paid directly, or through the hands of a Zemindar to Government. The share of Government, therefore, coincides with the landlord's rent, as was acknowledged by the Madras Board of Revenue, in their letter of the 28th January, 1813 :*—
“ What, however, we mean to observe is, that
“ under the rules and rates of assessment ge-
“ nerally prevalent in India, *at the present day*,
“ the Sovereign may be regarded as the general
“ landlord; that the Sovereign alone derives
“ from the land that which can be compared
“ with the landlord's rent in other countries,
“ with the exception of the lands, which are
“ held on free or favourable terms.” Where
this rent has been fixed in perpetuity, the So-

* Rev. Selections, p. 561.

vereign may be said to have relinquished the character of proprietor, and, without lessening his own receipts, to have conferred on the perpetual leaseholder the means of improving his lands and augmenting his profits ; but under a Ryotwar settlement the Sovereign is, in the strictest sense, the landlord. Yet, it is when combating the argument of the Madras Board of Revenue, in favour of a perpetual settlement, and urging adherence to the Ryotwar plan, that the Court of Directors speak of that fact as of one that belonged to the dark and troubled period which passed before “ the meteor flag of England ” was seen upon the shores of India. “ We certainly “ do not wish,” say the Directors, “ to *revive* the “ doctrine of the Sovereign of India being “ proprietor of the soil, either *de facto* or *de* “ *jure*.”*

Such being the proportion in which the produce is divided between the cultivator and the government, we may judge of the generosity which has assigned to the natives the exclusive privilege of ploughing, irrigating, harrowing, sowing, and

* Letter to Bengal, 6th Jan. 1815, Rev. Selec. 283. It is scarcely necessary to notice, once for all, that all the passages quoted from letters of the Court of Directors have been sanctioned, if not dictated, by the Board of Control.

reaping; of being hewers of wood and drawers of water. But the intermediate profits incident to the realization of the Government share have also been relinquished to them, because it was found that to permit Englishmen (servants of the Company) to be concerned, directly or indirectly, in the management of land, was to place their interest at variance with their duty, in exacting the uttermost farthing for the benefit of the state.* It was found that lands ostensibly contracted for by natives, on favourable terms, were fraudulently held or transferred for the benefit of Englishmen employed in the collection of the revenue. But, notwithstanding the notoriety of the fact, that the general interdiction of Englishmen from all dealings in land had no other motive than a desire to prevent embezzlement of the revenue, by cutting off one fertile source of temptation from those who were engaged in its collection, we find Colonel Wilks and Sir John Malcolm claiming for us the merit of an extraordinary effort of virtue, and bringing forward so excellent a judge of self-denial as Bonaparte to testify his admiration of British abstinence !—" There " is no one regulation of our Government," says

Sir John Malcolm, “ that impresses reflecting
“ natives with so high an opinion of our public
“ virtue, as the self-denying ordinance which
“ prohibits Europeans from being proprietors of
“ land. Colonel Wilks, in a communication
“ upon this subject, states that Napoleon Bo-
“ naparte never appeared to have heard of this
“ regulation, and could scarcely believe the
“ Colonel to be serious when he assured him
“ that it not only existed, but was rigidly ob-
“ served : although sufficiently chary of his admi-
“ ration of any thing English, Colonel Wilks
“ adds that he did not suppress it on this
occasion !”

With similar impartiality of judgement we find the Bengal Board of Commissioners asserting that, to take to ourselves only the *net* produce of the land, leaving the rest to the producers and immediate collectors, is to give the natives more than a sufficient compensation for their exclusion from all but the lowest offices. In picking up the crumbs that fall from the public table, they are said to fare better than the masters of the feast. “ It is certainly to be much regretted,” they observe, “ that our system leaves so few
“ situations open to our native subjects ; but still
“ they should feel gratitude to us for leaving to
“ them the exclusive *possession and enjoyment* of

“ the land. *The balance is certainly in their*
“ *favour, even taking their number into the*
“ *calculation.*”* This observation is introduced
in support of their proposition for discontinuing
the employment of Tehsildars, “ almost the only
“ situation in the revenue department open to
“ natives of respectable character and family,”
on account of their incorrigible propensity to
peculation. This, they say, “ would be attended
“ with the great advantage of enabling the
“ natives, as well as ourselves, to compare each
“ system in its operation; and should the com-
“ parison be in our favour, besides greatly
“ strengthening the attachment of the natives to
“ us, it would bring more home to them the
“ conviction of the necessity of substituting
“ European agency for their own.” If the abuses
practised by the Tehsildars had consisted of
exactions from the Ryots in order to provide for
their families and dependents, still the amount
would have been so much intercepted from the
“ Europeans,” and gained by the natives; *à*
fortiori, when the principal frauds were in the
form of irrecoverable balances, thrown upon
Government by a pretended khas management,

of which the Tehsildar and landholder divide the profit; and, on the occasion of a general settlement, a combination between them to defraud Government by fictitious defalcation and assets. This consequence was perceptible enough in treating of a period when the tribute was not remittable to London but to Delhi. Thus, in a letter, dated 3d Nov. 1772, describing the abuses which had formerly prevailed in the collection of the revenue, the President and Council write to the Court of Directors : “ It will be easily
“ imagined that much of the current wealth
“ stopped in its way to the public treasury. It
“ is rather foreign from the purpose of this
“ exposition, but too apposite not to be remarked,
“ *that it was fortunate such a system did prevail ;*
“ *since the embezzlements which it covered preserved*
“ *the current specie of the country, and returned*
“ *it into circulation ; while a great part of the*
“ *wealth received by Government was expended in*
“ *the country, and but a small superfluity remained*
“ *for remittance to Delhi, where it was lost for*
“ *ever to this province.*”

The effect of colonization in facilitating to the natives access to offices of honour and profit, results from its tendency to communicate to them the requisite moral and intellectual qualifications, and to impart to government a con-

sciousness of stability and power : for, until the natives are duly qualified for high office, they ought not to be employed, and until Government feels confidence in its own strength, they will not be employed. The idea of compensation for such proscription, though often mentioned, cannot be entertained without involving a contradiction : in considerable offices power and wealth are indispensable, and Government will never give the latter to those whom they deem unworthy of the former. There is not a public department in which there is not a continual demand, an incessant craving for more numerous establishments, a more liberal reward of actual services, and more extensive works, than the public revenue can satisfy. What, then, is there to spare for those who stand aloof under a note of reprobation, who can plead neither services nor connexions, neither titles to reward nor inducements to conciliation ? Still, say the anti-colonial party, *something* should be done for natives of respectable families and good education ; but that something, inadequate as it would be, they content themselves with warm exhortations that it should be accorded, while they withhold the only means which can ensure its attainment. " They cannot, it is true," says Sir Thomas Munro, " be permitted, with safety, to hold

“ situations of rank and influence, but it would
“ be no more than justice to allow them to enjoy
“ some share of the emoluments which they
“ always possessed under the Hindoo and Maho-
“ medan Governments.”—“ Power cannot be
“ given to them ; but this loss may be made up
“ to them in *some other* way ; and the dictates of
“ a prudent, as well as of a generous policy,
“ demand that they should be allowed a more
“ liberal compensation for administering the
“ affairs of a great revenue, which is drawn from
“ their own country.”* To the same purpose,
says Sir John Malcolm, “ The character of our
“ Government debars us from entrusting them
“ with military or political power ; but this is
“ the strongest of all reasons *for* bringing them
“ forward in every manner that is unattended
“ with danger.”

The only person who proposes the *immediate* advancement of the natives to all but the very highest offices, is Colonel Walker. “ The ad-
“ mission of the natives to offices of honour and
“ profit,” he observes, “ is the only mode by
“ which they can be effectually conciliated. It
“ is vain to expect that men will ever be satisfied

* Rev. Selec. p. 231-2.

“ with merely having their property secured,
“ while all the paths of honourable ambition are
“ shut against them. This mortifying exclusion
“ stifles talents, humbles family pride, and
“ depresses all but the weak and the worthless.”—
“ The Romans, whose business was conquest,
“ and who extended their yoke over the greatest
“ part of the civilized world, may be safely
“ taken as guides in the art of holding nations
“ in subjection : that wise people always left a
“ great share of the administration of the coun-
“ tries they subdued in the hands of the natives.”
But the questions obviously occur, did not that
wise people invariably colonize? Did they think
it wisdom to prevent the natives from benefiting
by the example of Roman industry and intelli-
gence, and to mock them with “the exclusive
“ possession and enjoyment of the land,” while
they gathered its net produce into their own
granaries? Did not one of their wisest men say,
Quid hodie esset imperium nisi salubris providentia
victos permiscuisset victoribus? We may, indeed,
not only safely follow them as guides, but cannot
safely refuse to do so ; but to abolish the re-
strictions on the employment of natives, while
they are continued on colonization, would not be
to follow the example of the Romans, nor of any
other people, ancient or modern.

Colonization being the foundation of all improvement, its importance is greatly undervalued if it be stated as an alternation of other expedients, as in the following passages from Sir Henry Strachey's Reply to Queries :—" Considering the [judicial] system prospectively, it does appear to me to have a tendency, though slowly, to enlighten the natives, to introduce European science and literature among them. When these come to be diffused, which, unless we *either* colonize, *or* adopt some plan of national education in India, must take a long time, then I conceive that true English spirit, and the assertion of individual independence, will at the same time appear; and in such a state of things it cannot be supposed that the present form of government, or any other in which the people have no share, can be perfectly secure."—"It is a radical evil in the constitution of our Government that we are a distinct race from the people: so far removed from them in habits, in taste, in sentiment, that with difficulty we maintain any useful intercourse with them. For this evil palliatives only can be applied. I can suggest no means of curing it, except our colonizing *or* employing the natives in high offices." In all Sir Henry Strachey's writings, we find principles which

harmonize with and conduct to the observance of colonial policy ; but here, and here only, we find an express recommendation of it.

While the monopoly of office by Europeans thus spreads discontent through the mass of the population, its effects are liable to be more dangerously felt in the native army. An army of 150,000 men, not one of whom can rise to any office equal in rank and pay to that of an ensign, nor enter the army in any higher capacity than that of a private soldier, is an instrument of power which cannot long be wielded with safety. Our native soldiery labour under disabilities more palpable and galling than are experienced in civil life, and their organized strength is infinitely more formidable. Sir John Malcolm acknowledges that they “ are neither insensible to their “ own consequence, nor inobservant of the “ depressed scale on which they serve.” But nothing can be more disproportionate to the admitted exigency than the ameliorations which he proposes and the consequences which he anticipates from them. He proposes that fixed allowances should be appointed for native ‘commissioned officers when employed on staff-duties ; and that approved military service should be rewarded with employment in the police establishments, with titles and land. He tells the natives

that the sons of the best families among them shall never enter the army but as privates, nor be capable of rising to an equality with an ensign or cornet; but that those who, after a service of thirty or forty years, should have survived a hundred competitors and attained the rank of Subadar, might hope to be enriched with “high titles,” and that those who should distinguish themselves by taking prisoners in the field might aspire to the honourable function of catching thieves. Such are the incitements to glory—such the tokens of public gratitude which he displays to the native inhabitants of India! In this manner, he thinks, “we should not only discover a motive sufficiently powerful to supply the place of that which a jealous but wise policy obliges us to withhold, but place their fidelity beyond the power of corruption. If such measures were adopted the native service would become popular and respected; *it would be embraced with eagerness by men of the first families in the country*; and, in the course of years, we might expect the attachment of our subjects to be greatly improved by a spirit of active allegiance which would be generally diffused by veterans and their descendants, whose claim to their rank or land was founded in the gratitude of a state whom they had

“ served with fidelity and distinction.” We see now what Sir John Malcolm meant by “ bringing the natives forward in every manner that was unattended with danger.” We see how easily, without disturbing the existing order of things, he dissipates the clouds which he had described to be “ every moment” ready to discharge their irresistible fury on the vessel of the state ; and how cheaply he diffuses an eager and active spirit of allegiance through all ranks of the people, notwithstanding his declaration that “ it appears quite impossible ever to introduce any system of government into our possessions in that country which will render them secure,* except under the management of able and firm rulers.”

The futility of these fantastic devices is self-evident. That they were so considered by the local governments we may conclude, from the non-adoption of any of them during the seventeen years which have intervened since they were first disclosed. They could not have been rejected on account of their expensiveness. The Bengal Government were even required by the Court of Directors, in a letter, dated 8th November, 1818, to take into “ early consideration the best

“ mode of employing a certain number of the
“ native commissioned, non-commissioned offi-
“ cers, and privates in the Bengal police esta-
“ blishments.” This very plan, than which Sir
John Malcolm thinks that *none “ could be more
“ calculated to encourage and reward a class of
“ men on whose fidelity and valour the duration of
“ our empire must depend,”* was, ten years ago,
pressed upon their adoption, and has to this day
remained unadopted. They were probably of
opinion that a veteran Subadar would make but
an indifferent Darogah, and that he could not be
transferred to the police without disappointing
the just claims of men trained in the department.

There are other instances in which Sir John
Malcolm has, in a no less extraordinary degree,
exaggerated the importance of circumstances
which he considers favourable or unfavourable to
the permanance of our dominion. In the very
absence of sympathy between the rulers and the
people, because it reduces the business of Go-
vernment to the dry “ routine of an office,” unmix-
ed with the personal interests which agitate the
breasts and disturb the judgement of the leading
statesmen of other countries ; he discovers “ an
“ advantage which *almost* balances the bad
“ effects of their want of those national ties
“ which usually constitute the strength of go-

“vernments.” That dissociation of interest and feeling which he had before justly described as placing us “always in danger,” he now considers to be productive of a “calmness of mind” in our public functionaries, which is, “perhaps, “the source of our greatest strength.”

In addition to these slender props of our supremacy, Sir John Malcolm has promoted another equally unsubstantial, in the observances of etiquette, in the arts of condescension, and of a conciliatory demeanour towards the natives. The whole scope of his instructions to the officers acting under his orders in Central India, is to impress them with the importance of indulging all comers with a personal audience, to dress their faces in smiles, and lend their ears to every tale that is told, though, from our limited right of interference, “it is not in one case in “a hundred of those that are brought forward, “that an officer can do more, than state calmly “and clearly, to the party who seeks redress, the “reasons and principles which prevent him from “attending to his representation or complaint, “and will have to repeat this perhaps fifty times “in one day.” It is a grave and solemn enforcement of the Chesterfieldian maxim, that in most things the manner is as important or more important (I forget which) than the matter. “The

“ people of India must,” he tells his officers, “ by a
“ recurring sense of benefits, have amends made
“ them for the degradation of continuing subject to
“ foreign masters ;”—“ it is sufficiently galling for
“ the people of India to have foreign masters : the
“ impression this feeling must continue to excite
“ can only be mitigated or removed by a recur-
“ ring sense of the advantages they derive from
“ the wisdom and justice of their European
“ superiors ; *and this can alone be effected by*
“ DIRECT COMMUNICATION *with them ;*” for the
purpose, namely, of explaining, very calmly and
clearly, that the party must return unassisted
and unredressed. If, therefore, a sense of degra-
dation should ever distress him, or the oppres-
sion of his Native Prince should cause uneasiness,
let him think of the last audience with which he
was honoured by the Resident’s Assistant, and of
the perspicuous and dispassionate statement of
our principles of non-interference, which he
then heard from the great man’s own mouth, and
he will forget it all.

Near the beginning of his instructions, he
tells them that “ the first and one of the most im-
“ portant points is the *manner* of European
“ superiors towards the natives ;” and, in the
concluding paragraph, “ one of my chief objects
“ has been to impress, in the most forcible man-

“ ner the great benefits which are to be expected
“ from a kind and conciliating *manner*, and a
“ constant friendly intercourse with those under
“ your direction and control.” Mere justice, politeness, kindness, however, are not sufficient. He requires that the expression of the countenance should denote “ a habit of the mind, grounded on a favourable consideration of the qualities and merits of those to whom it extends.” But it is not every body who can bring himself to think so favourably of the character of the natives, and to concur in the conviction expressed by Sir Thomas Munro, at the bar of the House of Commons, that, “ if civilization were to become an article of trade between England and India, England would gain by the import cargo ;” and those who are most inclined to be satisfied with the acquirements, habits, and principles of the natives will be least disposed to promote measures really calculated to elevate them in the scale of nations.

In the treatment of dependent states, colonization would afford the means of extricating us from great embarrassment. The reform of those states would either take place spontaneously, through the pervading influence of example, and the various helps which would be then supplied, or, as is more probable, it would be produced

by the superinduction of our direct administration. At present there is nothing to warrant a hope of the former process; and, from the latter, we are withheld by dread of the consequences. Interference in their internal administration, whether resisted or acquiesced in by the Prince, leads to the gradual introduction of our direct rule, and, consequently, to the removal of some of those grounds of disunion among the natives, on which we place the greatest reliance. When all were struck down to the same level, and no distinctions of party remained but a few foreign masters on one hand, and a hundred millions of native subjects on the other, combined efforts on the part of the latter would assuredly be more feasible and dangerous. If we do not interfere we openly connive at, and share the guilt of oppression. From this dilemma the anti-colonial party do not pretend to discover any means of escape. The latter, however, they consider the least evil of the two; and Sir John Malcolm uses arguments to show that we may not only avoid the responsibility and discredit of mal-administration, but “shall
“ have credit, in the general opinion, for all the
“ good measures which the state under our pro-
“ tection adopts, and our reputation will be
“ benefited (from the comparisons that are

“ drawn) even by its acts of folly and in-
“ justice.” So that whether its acts were just
or unjust, wise or foolish, this double advantage may be obtained by the political agent’s
simply giving to the control exercised by him
“ a large and liberal character,” that is, never
interposing where the folly of the protected
Prince spent itself in vexing his own subjects.
But if those subjects gave the British Government credit for all good measures, must they not
conclude that its influence might be applied as
efficaciously in the prevention of bad measures,
especially as its protection secured the Prince
against the danger of insurrection? This consequence is admitted to have followed from the
oppressive administration of the Nizam’s Dewan
Chundoo Lol. “ The good name of the British
“ nation suffered,” says Sir John Malcolm,
(referring to a time when Lord Minto considered
himself restrained by his instructions from making
any attempt to correct the abuses which prevailed,) “ for it was said, and with justice, that
“ our support of the actual administration freed
“ the minister and his executive officers from
“ those salutary fears which act as a restraint
“ upon the most despotic rulers.”

So unequal do we seem to feel to the task
of correcting the vicious governments of Luck-

now and Hydrabad, so anxious to evade the fulfilment of acknowledged duties, that the records of Indian diplomacy do not contain more remarkable instances of overstrained and unsound argumentation than have been employed to justify non-interference with each of those governments. By the 6th article of the Treaty with the Nuwaub Vizier, of November 10, 1801, “His Excellency engages that he will establish such a system of administration (to be carried into effect by his own officers) as shall be conducive to the prosperity of his subjects, and be calculated to secure the lives and prosperity of the inhabitants; and his Excellency will always advise with, and act in conformity to, the counsel of the officers of the said Honourable Company.” Many years passed without the British Government making any serious efforts to procure the execution of this article. In 1811, a tedious negotiation was entered into, in the course of which it appeared to the Resident “that the Vizier’s repugnance to reform had been chiefly to the principle, not the plan or the details, of the system proposed to him, and that the exercise of justice and moderation in the settlement and collection of his revenues, especially as influenced by our advice, has been the object of His Excellency’s aversion,

“ more than any particular system or plan.” In attempting to overcome this repugnance, the Resident threatened to withhold the aid of British troops to support the exactions of the Vizier’s revenue officers, whenever he should not be satisfied of the justice of the demand ; but, in a despatch, dated June 28, 1811, so expressed himself as if he had menaced the refusal of such aid to coerce defaulting Zemindars in *every* instance ; and, in a letter, dated July 6, 1811, the Chief Secretary discusses and denies the right of the British Government to use that or any other measure of compulsion, to enforce the Vizier’s acceptance of propositions founded on the 6th article of the Treaty. “ In the first place,” he observes, “ stipulations such as are contained “ in the Treaty cannot possibly be rendered so “ specific and precise as not to admit of some “ latitude of construction, or to preclude an “ eventual opposition between their spirit and “ their letter : for instance, the combination of “ the two stipulations above cited (from the 6th “ article of the Treaty) could not justly be interpreted to impose on the Vizier an obligation “ absolutely and implicitly to accede to whatever “ plan of reform the British Government might “ advise, however adverse to his interests or his “ prejudices ; nor the second of those clauses, to

“ require him, in every concern of his govern-
“ ment, to follow indiscriminately every counsel,
“ however injurious or repugnant to his feelings,
“ that either wisdom or error might suggest on
“ the part of the British Government, under the
“ penalty of his forfeiting his claim to the ful-
“ filment of our part of the stipulations of the
“ treaty.” Now, who is to judge, if plans “ cal-
“ culated to secure the lives and property of the
“ inhabitants” of Oude may be considered so
adverse to the interests, prejudices, and feelings
of the Vizier, as to justify his resistance to their
adoption? If the Vizier is to judge, the article
is nugatory; but the Vizier has expressly re-
nounced any such pretension, and engaged “ *al-*
“ *ways* to advise with, and act in conformity to,

“ the counsel of the officers of the said Honour-
“ able Company.” The Vizier, therefore, did
bind himself to accede to *whatever* plan of re-
form the Governor General (acting under respon-
sibility to the Board of Control and the British
Parliament) might advise. In former treaties
with the Vizier it had been stipulated that he
should pay a certain subsidy for the maintenance
of a certain number of British troops for the
defence of his territory; and, also, that he should
defray the expense of *any augmentation* of force
which, on any future occasion, should be judged

necessary : and it was never supposed that the extent of this obligation could be narrowed by his own wishes or ideas of expediency, or that the British Government could not justly compel his acceptance of *whatever* augmentation of force it judged necessary. Between the rights conferred and the obligations contracted, in both cases, there is no other difference than what arises from the greater importance attached to defending the Vizier against foreign and domestic enemies, beyond that of protecting his subjects against his injustice and oppression, the former being more intimately connected with our own interests than the latter. What degree of substantial reform might have been introduced into the administration of the government of Oude, in spite of the reluctance and bad faith of the Vizier, must continue a matter of doubt, as the prosecution of the discussion was relinquished by Lord Hastings, and has not since been resumed.

In regard to the Nizam's territories, there was no article of a treaty stipulating for the admission of such reforms as the British Resident should advise ; but, the utter inefficiency of the Nizam's administration, the degree of control actually exercised by the British Government over its administration, and, consequently, the responsibility contracted for all the abuses that prevailed, ren-

dered the obligation of making efforts for the reform of those abuses at least as clear and pressing as in the case of Oude. A consciousness of this obligation dictated the letter addressed to Mr. Russell, under date the 22d of January, 1820, wherein he was directed to interpose his advice and influence for the correction of mal-administration in every department. When, however, Mr. Russell's successor was required to justify the zeal with which he had acted in the fulfilment of those instructions, and professed that he "supposed our interference in the Nizam's affairs to be not merely a right but a duty, arising out of our supremacy in India," he was told that, "although a virtual supremacy may, undoubtedly, be said to exist in the British Government, from the inability of other states to contend with its strength, the making such a superiority a principle, singly, sufficient for *any* exertion of our will, (however beneficent the design and salutary the result,) would be to misapply that strength, and to pervert it to tyrannic purposes."* When the Resident pleaded the oppressions practised on the Nizam's subjects, as rendering our interposition necessary

for their protection, he was informed that “ the
“ necessity stated was altogether constructive ;”
and that it was only in the extreme case where
“ convulsions raged so violently in one state as
“ clearly to threaten the excitation of ferment in
“ a bordering one, that the latter could be jus-
“ tified in reducing to order the nation by which
“ its tranquillity was menaced.” In his reply,
dated 29th November, 1822, the Resident sup-
ported, by incontrovertible arguments, his pro-
position that, “ supposing this condition of rela-
“ tive supremacy and dependence to be in un-
“ doubted existence, it did appear to him to be
“ a legitimate conclusion that the people were
“ entitled to our protection against grievous op-
“ pression on two grounds, first, because the
“ balance between prince and people, usually
“ existing in independent states, was destroyed
“ by the intervention of our foreign army, and,
“ secondly, because the country was despotically
“ governed by a creature of our will, supported
“ by our power.” But his arguments failed to
convince the Governor General ; and disorders
of every description were, are, and will be per-
mitted to take their course until the progress of
events shall turn the tide of opinion in favour of
a decided change in the policy best adapted to
the government of India.

CHAPTER III.

ON THE LANDED TENURES AND LAND TAX OF
INDIA.

THE superiority of Europe over Asia in wealth and knowledge, in arts and arms, has been justly attributed to the difference in their landed tenures, and in the sources of their public revenue. In Europe, land is the property of individuals, cultivated by themselves, or by tenants, holding for a certain number of years, and paying a fixed annual rent; and all taxes, direct and indirect, are so well defined as to leave to every man, after such deductions, the clear fruits of his own labour. Individuality and security of property being the great spurs to industry, wealth accumulates, invention is excited, theoretical and practical knowledge widely diffused, and every effort of genius well appreciated and rewarded.

The public revenue, being thus derived from the contributions of individuals, must, in some degree, be regulated in its amount, whatever be the form of government, by a regard to their interests and feelings. In influencing the financial proceedings of Government, the richest individuals, and especially those whose wealth is most visible and permanent, the proprietors of land, have the greatest weight; and in protecting their own rents from encroachment throw the taxes on articles of consumption and transfers of property, where moderation is soon taught by its palpable effect in augmenting the aggregate contribution. This influence of wealth re-acts as the greatest incitement to its acquisition; the largest fortunes are considered the standard by which the magnitude of all beneath them should be estimated,—the scale by which they should regulate their ambition,—the goal to which they should direct their efforts.

In Asia all these circumstances are reversed. The rent of all land being the property of the sovereign, his subjects have neither interest nor influence in fixing the amount or directing the appropriation of his revenue. It is always maintained at the highest possible amount, subject to no changes but what it may undergo from being more or less incumbered by anticipations. But

while his subjects see him, with indifference, do what he will with his own, while they pay, without murmuring, the accustomed assessments and transit duties, and look upon a certain degree of fraud and extortion in every such transaction as part of the immutable order of nature, they will sometimes resist an unusual direct tax, though light in its amount and applied to useful purposes on the spot, such as a house-tax, for the maintenance of a Chowkedaree, or police establishment, as they would an attack on their religion. The only road to eminence is through the favour of the Prince, and wealth being without influence or security, there is neither inducement to exert skill and industry in acquiring it, nor to display judgement, taste, and liberality in its expenditure. If it is not hoarded, it is laid out in the maintenance of idle retainers, in bribes, and superstitious oblations. In the cultivation of the soil no man can say that, after satisfying certain demands, the rest of the produce shall be his own : for not only are the demands variable, but the interests in the produce are so complicated, that each has but an ill-defined *share* in the general result. The redundancy of rural population is common to every country in which agricultural and manufacturing skill are in their infancy ; but in Asia obstacles of a peculiar nature are opposed

to improvement by the inextricable confusion in the tenures.

The first step to improvement is by a perpetual limitation of the Government demand to create a body of proprietors;—the next, to encourage those proprietors to purchase upwards from Government, and downwards from those holding under them their several interests, in the use and produce of the land, so as to give them an exclusive property in a smaller extent of surface, and to enable them to cultivate such estates by hired labour or by contract. Suppose the land-tax redeemed, and all beneath them in the condition of tenants at will (of whom there are multitudes in every part of India), the process which will ultimately be pursued in enlarging the size of farms, and substituting a skilful for a slovenly agriculture, will be that which has been exemplified in several districts in Ireland and Scotland, and especially in the magnificent operations on the vast estate of Sutherland. In Ireland these changes are proceeding with a rapidity which is attended with considerable inconvenience; but in India there would be less reason to apprehend such consequences; first,—because the number of European proprietors would be small compared with that of native proprietors, on whose estates the changes would

follow more tardily; secondly,—several years must elapse before the European proprietors could collect a sufficient number of practical data whereon to ground their calculations; thirdly,—there would be a concurrent demand for labourers in the establishment of manufactories, and in the cultivation of waste lands; fourthly,—gradual conformity to European habits will abate the practice of early marriages among the natives, as well as that of squandering their fortunes on the pomp of nuptial ceremonies; finally,—as the European proprietors would have the best means of becoming acquainted with the condition and feelings of the native population, so it would be their obvious interest to use every effort to improve their condition, conciliate their attachment, and preserve the peace of the country.

When the subordinate tenants hold permanent interests, more or less considerable, the process will be substantially what took place in Prussia, between 1807 and 1811, when the landlords surrendered a portion of their estates to their peasants, in order to redeem their rights over the remainder, or surrendered the whole in consideration of a pecuniary compensation. According to Mr. Russell,* some of the nobles who had

* A Tour in Germany, &c. in 1820, 1, and 2.

been most violently opposed to the innovations of Hardenberg, at present confess, "that in ten years this agricultural enactment has carried them forward a whole century." Mr. Jacob* is less sanguine as to the rapidity with which the beneficial effects of these arrangements have developed themselves: but he admits that "the foundation is laid of a new and better order of things," which time will bring to maturity. •In India some embarrassment will be occasioned by the disputable nature of the rights possessed by the several orders of Ryots and Putteedars, but none which may not be overcome by mutual compact. In effectuating these improvements, the agency of British enterprise, skill, industry, and capital, is indispensable. In India, as in Siberia, "*the importation of industry*"† is the only plan whereby an increased demand for the produce of the soil can be created and supplied, and whence motives and means can originate for reducing the present complexity of tenures to the simple relations of landlord and tenant.

The effects hitherto produced by the permanent settlement in Bengal, though far short of

* Report on the Trade in Foreign Corn, &c.

† Malthus, vol. i. p. 207.

what were predicted from it, have not been such as to detract, in the smallest degree, from the certainty of the proposition,—that a limitation in perpetuity of the government demand, as being the *first* step toward the introduction of the most advantageous system of property, must and will, ultimately, be established throughout all our possessions. The income of the Zemindars has, on an average, been tripled, by an addition of 20 per cent. to the rents collected by them from the Ryots ; a secure investment for capital has been provided ; the general wealth of the country, and the produce of the revenue from customs, excise, salt, and stamps, have been increased. Though the rents claimable by the Zemindars, and payable by the Ryots, are still a subject of interminable dispute, the situation of the latter has not been deteriorated but rather improved. It was the design and expectation of Lord Cornwallis, under the supposition that prescription had established definite sums, or, at least, rates of distribution, that the parties should mutually exchange instruments, (the Zemindar granting a *pottah*, the Ryot returning a *ka-booleet*,) specifying such rents or rates, which should never be liable to enhancement : but the precarious amount of the produce rendered the one party as unwilling to bind himself to give,

as the other was to take, a fixed sum or rate, each trusting to his own management or luck in effecting a compromise favourable to himself. In vain did the regulation enjoin and require the Zemindars to grant pottahs, since they nowhere prescribed the terms which they were empowered or compellable to offer, and the Ryots to accept. In the vicinity of Calcutta and Madras, however, the high and increasing value of ground removing all cause of reluctance on the part of the Ryots, pottahs were readily taken, and, ever since the conclusion of the permanent settlement, have constituted good and saleable titles to the portions of land described in them.

Nevertheless, the instructions from the Court of Directors, for the last twenty years, have been dissuasive and prohibitory as to the formation of permanent settlements in the ceded and conquered provinces of the three Presidencies. When Mr. Francis first, and Lord Cornwallis afterwards, proposed this great measure, the general current of opinion among the Bengal civilians, with the exception of Mr. Thomas Law, was against it; but in proportion as experience and reflection have brought the Company's servants to appreciate its advantages, the Court of Directors have receded from the incontrovertible principles which they once maintained on the subject, and have re-

pented that they ever sanctioned the greatest boon which the British Government ever conferred on India. How are we to account for this lamentable retrogression? The chief merit of this work, as some esteem it, or the chief blame, as others consider it, appears imputable to Sir Thomas Munro. His reports on the ceded districts, though containing abundant evidence of the mischievous nature of the system,* seem to

* Take the following picture of an annual Ryotwar settlement by the great advocate of the system. “ Every Ryot is
 “ usually sufficiently careful of his own interest to dispute about
 “ his rent, whether it is high or low; but should there even be
 “ some among them who, being satisfied with it, have no
 “ thoughts of starting objections, the fear of the Potal’s dis-
 “ pleasure and of the reproaches of the other Ryots, for de-
 “ serting the common cause, induces them to raise as many
 “ difficulties as any of the rest. Much time is consumed in
 “ this debating upon the rent of every individual; and if the
 “ revenue servants, either believing their representations of
 “ their distress, or wishing to expedite the settlement, allow
 “ some abatement of rent to those who are reckoned the poorest,
 “ they find that the aggregate of these remissions not only causes
 “ a considerable loss of rent, but increases the difficulty of set-
 “ tling other villages, by encouraging the Ryots to insist on a
 “ similar or perhaps a greater reduction. The Ryots who dispute
 “ the most obstinately, even though their rents are already too
 “ low, are the most likely to get a further abatement; and
 “ those who are less noisy and litigious are most liable to have
 “ their rents, perhaps already too high, raised still higher.”—

have captivated the Court of Directors, and excited a desire that similar modes of exaction could be made available in other parts of India. The fascination still continues, and already (with respect to the Bengal ceded and conquered provinces) upward of twenty years have been lost by delay, during which all parties might have been reaping the fruits which that first stage towards a better order of things is calculated to produce.

On this point, as on so many others, Sir John Malcolm has changed his opinions for the worse. In the first edition of his Political History of India, he “imagines there can be no doubt in
 “the mind of any man who reflects seriously on
 “the subject, but that the permanent settlement
 “of the revenue, and the introduction of the judicial regulations have already been attended with
 “great benefit; that the character of this system
 “is progressive improvement and that its success
 “has been sufficient to prevent disappointment

“Whenever individuals or villages object to their rent, it is
 “always the most expeditious and satisfactory way of settling
 “the dispute to refer it to the Ryots of other villages, who do
 “more on such occasions in half an hour, than a collector and
 “his cutcherry in a whole year!” It may be observed, *inter alia*, that the principle of the Ryotwar settlement is the reverse of Mr. Goulbourn’s act for leasing the tithes in Ireland.

“ to those who take a rational and comparative
“ view of that good which can be produced by
“ any human institution.” In the second edition
he pronounces, as decidedly, that the objections
of Colonel Wilks to a permanent settlement
“ have never been successfully controverted;”
that it *has* occasioned disappointment, and that
“ it is now admitted, by its warmest advocates,
“ to have been too much hurried, and to have
“ been adopted with very incomplete informa-
“ tion, both as to the extent and resources of
“ the countries settled, and to the various claims,
“ rights, and relation of its inhabitants.” Now,
with respect to the doctrines of Colonel Wilks,
*vis.** that it “ shuts out improvement,” we have
seen that in Bengal it has been followed by in-
creased cultivation and productiveness of all
other taxes: that “ it is probable, nay, certain,
“ the land tax will diminish;” that tax has been
collected in Bengal with greater facility than
ever, and with scarcely any defalcations: that
being “ an irrevocable law,” it is “ allowing a
“ political nullity;” it is such a nullity as was
allowed by the act for the redemption of the
land tax in 1798,—an act which could not be
infringed without violating the strongest sanc-

* History of the South of India.

tions which can make a law sacred. With respect to the “resources” of Bengal, the jumma fixed by the perpetual settlement was higher than the average sum collected during the whole anterior period; and with respect to “the various claims, rights, and relations of its inhabitants,” they were not determined nor affected by the mere renunciation by government, in favour of the Zemindars, of all surplus collections which they might be entitled to make beyond a specified amount. Not content with retracting his former commendations of the Cornwallis institutions, Sir John Malcolm sets his face against all reformatory principles and arrangements, thinking that “the natives may be as happy and as prosperous, under systems to which they are accustomed, as under those *we* would introduce to meet our own convenience, and *our* ideas of amelioration.”

The only laws which are irrevocable are the immutable principles of justice, which, being of divine appointment, constitute the foundation and authority of all human institutions. Where these are not involved, one generation cannot preclude the exercise of the discretion of a succeeding generation in framing arrangements of public utility, whether respecting the form of government, or the extent and remuneration of

public establishments. But if a former generation had made a distribution of the public lands, under a conviction that the direct and indirect contributions of such proprietors would vastly exceed all that could be derived from their cultivation by any system of agency or contract: or, to come nearer to the actual circumstances, if a former generation, finding the public lands in the hands of a set of hereditary contractors, without skill, industry, or integrity, had determined to convert them into proprietors, by fixing, for ever, the rents payable by them, at an amount exceeding the average of their payments during the last thirty years, subject to the condition that their lands should be sold to the highest bidder if they failed to discharge their annual rent, the infringement of such compact by a succeeding generation would be an act of equal folly and injustice. These considerations did not occur to Colonel Wilks when he declared the perpetual settlement to be “ a political nullity,” nor to the author of the following passage, in a despatch from the Court of Directors: “ When institutions contain within themselves a corrective principle, the imperfections which may adhere to their original formation are of comparatively little importance, because they are susceptible of gradual improvement; but

“ when, as in the case of the proposed permanent settlement, institutions are irrevocable and unalterable, prudence, circumspection, and the most mature deliberation cannot be too often or too generally inculcated upon those whose province it is to direct and superintend their establishment.”* By the perpetual settlement nothing was made “ irrevocable and unalterable” but the rights of individuals to their estates, those individuals continuing liable to every future tax which should not fall exclusively on the rent of landlords, but equally affect every description of property. To engage to respect such rights seems rather to require an instinctive impulse of common sense than an extraordinary exercise of circumspection and deliberation: to such an institution no “ corrective principle” can be imagined, for the rights cannot be held too sacred, and no legislative power is excluded, except that of decreeing a wanton confiscation.

One objection urged by the Court of Directors to perpetual settlements is founded on a supposed depreciation of the value of money in India. In a letter to Bengal, of February 1, 1811, they

* Letter to Bengal, 6th January, 1815. Rev. Selec. 281.

observe that, “ from the depreciation which has
“ taken place, in the course of the last twenty-
“ five years, (another inconvenience which is
“ not peculiar to India,) we find that our supplies,
“ instead of growing with the demand upon them,
“ are decreasing almost in the inverse ratio of
“ the multiplication of our wants.” In reply to
this objection, the Bengal and Madras Boards of
Revenue deny that any such depreciation has
taken place.* If the price of agricultural produce
had risen so much as the objection supposed, the
effect would have been visible in the increased
pay of our native soldiery, in the increased price
paid for land at public and private sales, and
in the increased sums yielded by other branches
of the revenue.

In reply to another objection, founded on a
supposed loss of the revenue derivable from the
future cultivation of waste lands, the Madras
Government observe,—“ It does not form part of
“ our scheme, in prosecuting the present village-
“ settlement, that the waste lands shall indiscri-
“ minately and unnecessarily be surrendered;
“ neither are we sensible of any incongruity
“ between the principles of the village settlement

* Rev. Selec. 185, 565.

“ and the retention of such part of the waste
“ lands as it may be found advisable to retain.
“ But, on the other hand, if the practicability
“ or success of a settlement of the lands under
“ cultivation depends upon the simultaneous set-
“ tlement of the waste lands; if the one cannot
“ be settled at all, or cannot be settled to advan-
“ tage without the other, then, under the Ryotwar
“ system, as well as under the village system,
“ the waste lands must be given up.”

Since it is neither practicable nor desirable that there should be a general redemption of the land tax, in India, until we have taken secure possession of the country by means of colonization, all apologies for the existing system which tacitly exclude the consideration of, or which take for granted the inexpediency of that policy, must be inconclusive and nugatory, as in the following extract from a letter to Fort St. George, of April 12, 1815 :—“ It is strenuously con-
“ tended, in the letter under reply, and in the
“ Report of the Board of Revenue, that, if the
“ resources and general wealth of the country
“ were increased through the restriction of the
“ demand of Government upon landed property,
“ there could be little difficulty in devising
“ means whereby Government might participate
“ in the increase. This proposition, in the

“ general form in which it is put, appears to
“ warrant an inference which we believe its
“ authors little intended should be drawn from
“ it. If, in the event of a general increase of
“ the wealth of the country, it would be easy,
“ by means of indirect taxation, to draw a due
“ proportion of that wealth into the coffers of
“ Government, the conclusion is hardly to be
“ avoided that a part of the revenues, now levied
“ directly from the land, might be realized
“ through the same channel of indirect taxation;
“ and, admitting this to be the case, it will be
“ difficult to justify our not having recourse to a
“ fiscal system, agreed to be less injurious to the
“ prosperity of a country than that of intercept-
“ ing a large proportion of the produce of its
“ land and labour, before it has circulated through
“ the country in the way of exchange, and per-
“ formed in some degree the functions of a repro-
“ ductive capital. The true defence of our system
“ of taxation is not that it is preferable to any other,
“ when judged according to the generally received
“ principles of political economy, nor even that it
“ has been continued because we found it esta-
“ blished, but because we consider it to be utterly
“ impracticable to raise the same sum in a less ob-
“ jectionable way.” It is observable that the tone
of this passage is totally opposite to every thing

that comes from the school of Munro, Wilks, Thackeray, Malcolm, &c. *They* disown, pervert, and make havoc of the principles of political economy: *here*, after a candid recognition and true application of them, we find it admitted that the existing system *is* adverse to the progress of wealth and civilization; but then it is justified by its own wrong, by the character, habits, and customs which it has generated; and the remedy for all these evils is silently refused, because its efficacy could not be denied.

The zeal of the Bengal Government for permanent settlements continued unabated from the time of their founder to the close of the administration of Lord Minto. There has succeeded a spirit of indecision and procrastination, and a rage for the minute previous investigation of points, which might be ascertained with more convenience *after* permanent settlements had been concluded. A series of queries as to the actual rights and pretensions of the several classes of inhabitants, and of speculative conjectures as to the manner in which they would be affected by the proposed measure, (of the nature of those with which Mr. Shore endeavoured to deter Lord Cornwallis from *the* completion of his great work,) has been drawn out with much subtilty and infinite patience, for the purpose of evading a determination to fulfil

the expectations excited by the proceedings of Lords Wellesley and Minto. If the dilatory pleas of Mr. Shore had been admitted, the permanent settlement of Bengal would never have been effected, for the rights of Ryots are not better understood at this day than they were forty years ago; and, judging from the progress hitherto made in ascertaining the several claims and obligations of the coparceners in village Zemindarries in the Upper Provinces, a permanent settlement of those provinces will never be effected, if it must be postponed till all the questions which have been started can be resolved. There is no reason to expect that the internal regulations of the village communities will ever be developed with so much precision as has been displayed by Huber in his exposition of the internal economy of communities of ants and bees.

That the delay has had an unfavourable effect on the temper of the inhabitants of the Upper Provinces and on the reputation of Government can scarcely be doubted. Lord Minto and the members of his council were so impressed with the importance of that view of the subject, that they addressed the most earnest remonstrances to the Secret Committee, founded on the apprehensions which they entertained from the discontent which would be excited; and the commissioners

appointed to inquire into the causes of the insurrection of Bareilly, in 1816, insisted, among other things, on the good policy and conciliatory tendency of a permanent settlement. Still, not only is the day of concession postponed, until Government have woven a certain web, in which no perceptible progress is made, and which assuredly will never be completed, but the inferior boon of long leases is proposed to be ultimately substituted for that of a perpetual settlement.*

Among the partners (putteedars) of a village Zemindarry there is one presiding individual with whom the Government officers contract for the

* The following is the 726th paragraph of a memorandum, prepared and submitted to Government by their Secretary in the Territorial Department, dated 1st July, 1819, "That the
" average price of wheat and barley, joowar and bajora, in the
" twenty years preceding the settlement at the chief marts of
" each district be ascertained and recorded, and a general average struck; and that in declaring the settlement *perpetual*,
" Government reserves to itself the option, at the expiration of
" each period of twenty years, of causing a similar average to
" be made, and of adjusting the jumma, with reference to the
" relative price of silver to grain, as exhibited by the statement, provided the difference shall exceed ten per cent.;
" this reservation will not, of course, entitle Government to
" do more than demand the value of such a quantity of the four
" articles above-mentioned, taking an equal quantity of each,
" as may be equivalent to the jumma now to be assessed."

aggregate rent, and who is thence denominated the *Sudder Malgoozar*. The resolution of this community into individuality of property will take place, in some instances, by the improvement of the situation of Sudder Malgoozar into that of sole proprietor, while the interests of his partners, without being deteriorated in absolute value, subside into those of tenants at will, or labourers; or, where the portions of all the partners are more considerable and tangible, by the separation of each portion as a distinct estate, paying a fixed quit rent through the Sudder Malgoozar, or directly to the Collector of Revenue. Either process may be equally consistent with equity and sound policy: in forwarding one or the other, the Courts of Justice would be solely guided by the weight of evidence adduced by contending claimants; and the circumstances which would mainly determine the nature of the transition through which the primitive society would pass, would be the magnitude and value of the interests possessed by the several partners. Where the Sudder Malgoozar has been erroneously treated by the revenue and judicial officers, as proprietor of the estate for which he had engaged, the circumstance is rather to be considered as a proof of the extreme minuteness of the interests which had passed undiscovered or

unacknowledged, than of a negligent or corrupt disregard of substantive rights: and the frequency with which such mistakes were committed renders it probable that there is a general tendency to assimilation between the character of Sudder Malgoozar and that of Zemindar as it exists in the Lower Provinces. In a resolution of the Governor General in Council, of the 22d December, 1820, paragraph 135, we are informed that, “ whatever was the nature of the settlement, “ there appears to have been a constant disposition in the officers of Government to regard “ the Sudder Malgoozar as the sole proprietor of “ the estate for which he had engaged, or at least “ to recognize him as possessing the power of “ transferring the whole of it, with all the privileges of ownership, without reference to the “ nature of the title or the extent of the interest “ which he possessed.” Thus, private sales by such persons, and sales under decree of Court, in liquidation of their private debts, which could, of course, do no more than transfer the title and interest of the party, have been acted upon as if the absolute property in the lands to which their engagements extended were thereby conveyed to the purchaser. While such notions were entertained in regard to the effect of the private acts of the Sudder Malgoozar, it naturally followed

that the whole of the estate should be considered responsible for the public revenue, and that a public sale, on default, would be held to transfer to the purchaser all the properties possessed by the coparceners of the defaulter in the estate sold. And when these principles were added to a system of settlement conducted as above, (that is, without ascertaining and recording the actual rights and interests of the several proprietors,) it can scarcely be a matter of surprise that, as stated by the Board (of Commissioners), “ the annihilation of puttēedaree rights on all estates which have been transferred, by public or private sale, has ensued.” Amidst this unintentional “ annihilation of rights,” however, it may be suspected that there was rather a change of names than of things ; that the ground which an individual had before cultivated, as village Zemindar, he continued to cultivate as Ryot ; and what he had before paid as his share, or contribution, he continued to pay as his rent.

Of the task which the Bengal Government has assigned to itself before it will resolve to give a beginning, a nucleus to individual property in land, in the ceded and conquered provinces, some idea may be formed from the following paragraphs in the above quoted resolution. Par. 174, “ Supposing a permanent settlement

“ to be made with the Talookdars or Pergunnah
“ Zemindars, it will naturally become a matter
“ of consideration how a just share in the bene-
“ fits of the measure can be secured to the
“ inferior Zemindars or other inferior tenantry,
“ without depriving the Sudder Malgoozar of
“ the advantage he may be deemed entitled to
“ derive from increased cultivation, and the con-
“ sequent motive to promote improvement. The
“ same question will indeed arise wherever there
“ may be a class of cultivators possessing any
“ fixed rights to occupancy ; it being the desire
“ of Government that in fixing the Government
“ rent the relative rights possessed, or to be
“ thenceforward possessed, by *all* persons con-
“ nected with the land, until alienated or altered
“ by the act of the individual, should be *defini-*
“ *tively settled.*” Par. 188, “ It will obviously,
“ however, be necessary to define more distinctly
“ than was then done [at the settlement of the
“ Province of Benares, by Mr. Duncan, in 1795,]
“ the nature of the arrangement adopted, and its
“ consequences, in respect to the different per-
“ sons whose interests the settlements may em-
“ brace. The responsibility to be attached to
“ the Sudder Malgoozar and to each individual
“ proprietor or class of proprietors, and the
“ powers and privileges to be vested in the

“ former, in regard to the management of the
“ village concerns and the collection of the Go-
“ vernment revenue, must be *specifically declared*.
“ Whether the direct advantages to be enjoyed
“ by the Sudder Malgoozars, in virtue of that
“ character, and in compensation for the trouble
“ and risk which it imposes, can be fixed or
“ defined, and without weakening their connex-
“ ion with the community ; and in that case, how
“ they are to be secured and assigned to them :
“ how far the post of Sudder Malgoozar is to be
“ considered permanent, or hereditary, or transfer-
“ rable ; if not permanent, in what cases it is to be
“ set aside ; if hereditary, how the inheritance
“ is to be regulated ; if transferrable, by what
“ forms and under what restrictions to be trans-
“ ferred ; in what cases individual proprietors, or
“ any portion of proprietors, or the represen-
“ tive of such portion, as a Puttee, Thoke, or
“ Bheree, are to admitted to separate engage-
“ ments ; and in such case how the Jumma is to
“ be adjusted ? These, with the questions here-
“ after noticed, relative to the course of proceed-
“ ing to be followed on the occurrence of arrears
“ of revenue, *must be particularly considered and*
“ *determined* ; and *other* questions will doubtless
“ arise in the future progress of this inquiry.”

Is it reasonable to expect that these curious

questions will ever be determined, these nice adjustments ever effected, or this fastidious scrupulosity ever satisfied? A perpetual settlement never was, nor can be, more than the mere foundation of a better system, for which purpose the rough-hewn materials possessed by Lord Cornwallis, Mr. Duncan, and Lord Hobart were as well adapted as those which may be accumulated by the Bengal Government after it has wasted years in cutting blocks with a razor. Let the Government demand, payable through the Sudder Malgoozar, be once irrevocably fixed, and the proportions in which the benefits accruing from that compact would be divided between him and the rest of the community, would adjust themselves with more or less precision according to the magnitude of those benefits and the rapidity with which they were realized. But while the compact itself is postponed, neither can the contemplated benefits arise, nor the present looseness of adjustment be corrected; and while it is required that such unattainable correctness shall precede the formation of a settlement, there will be nothing "perpetual" but the hope and promise of a blessing destined never to be conferred.

The greater the share of advantage which should eventually devolve to the Sudder Mal-

goozar, and the greater the responsibility which he should be enabled to undertake, so much would the progress towards the desiderated relations of landlord, tenant, and labourer be facilitated. There is no reason to apprehend that this arrangement of society can be inconveniently accelerated by any exertion of indiscreet zeal. It cannot be brought about without the concurrence of means which will render the change as gradual and safe as it will be powerful, namely, the agency of British colonists. There is, therefore, something gratuitous in the vague feelings of anxiety with which the Bengal Government, while, from whatever cause, it invariably excludes all advertence to such means, speculates on the possible consequences of a permanent settlement of the Upper Provinces, in the following passage of a letter, dated December 28, 1821 :—"Persuaded as we are of the advantages to be derived from extending the time of the leases, we are by no means anxious to urge your Honourable Court to a *hasty* declaration of a permanent settlement."—"The immediate effect of a permanent settlement must thus be to create, through the limitation of the Government demand, a new property before unknown, or comparatively of insignificant amount, viz. a considerable surplus profit, or rent, from the land, after defraying the charges of cultivation.

“ the profits of stock, and the Government revenue. The distribution of this fund, which, in a moderate period, will probably equal the present revenue of Government, may have a very important influence on the whole frame of society, and the relations of its different members. Were land held here by tenures, analogous to those generally prevalent in our own country, we should have little hesitation in recognizing the expediency of leaving to the proprietors the full benefit of future improvement, though, even in this case, it might become a question how far some limits should be put to the subdivision of property, or to that of the advantages derived from the limitation of the Government demand. But the question is rendered much more complex by the entanglement of the various rights attaching to the land. The gradual rise of the great body of landholders, from the oppression necessarily prevalent in a country where the Government demand has absorbed nearly the entire net rental of the soil, is an effect calculated, we think, to produce almost certain and unmixed good. The result, however, may be very different, if particular parties or persons are raised, in every mehal, above their present level, as compared with their village associates. All may, with advantage, ascend together in

“ the general scale of society, but the immediate
“ rise of one above his fellows would be felt,
“ and would actually operate as a degradation
“ of the rest.”—“ But, before coming to any
“ specific determination, we must, of course,
“ desire to have before us a very distinct view of
“ the state of things as they actually exist. At
“ present, therefore, we shall content ourselves
“ with soliciting the attention of your Honourable
“ Court to the matter generally, satisfied (if we
“ are not misled by our anxiety on a highly
“ interesting subject) that, in the whole circle
“ of political science, there is scarcely any ques-
“ tion more important in its relation to private
“ interests and to the public weal.”

The reader will not have failed to observe, in the above passage, the deprecation of *haste*, in a matter the discussion of which had then been protracted to the extreme length of a Chancery-suit, and which is still considered unripe for decision. He will also have been struck with the dread expressed of an influx of wealth, lest it should raise “ particular parties or persons ” above the level of property in which they are now immersed, and excite, in their less fortunate brethren, a feeling of degradation. Judging from the increase of the Zemindars’ profits which has taken place in Bengal, there is, perhaps, some

exaggeration in estimating that the net rent left in the hands of proprietors would, in a moderate number of years, be *equal* to the assessment payable to Government; but in what an unnatural position must that government be placed which can allow such considerations to outweigh the public and private advantages derivable from a new creation of property? If, indeed, such considerations were really predominant, which will appear highly doubtful, when we consider that the ordinary feelings with which the poor regard the rich are those of sympathy and respect,—the spacious domain, the splendid mansion, the rattling equipage, afford sensations of pleasure to those who are strangers to the cares by which the enjoyments of their possessors are alloyed, and all do benefit by every accession to the national resources; directly, in increase of wages, profits, and rents; indirectly, in the multiplication of works of public utility and magnificence. It seems probable, then, that the true source of apprehension was, not the envy which would be excited in the *poor*, but the confidence, influence, and ambition, which would be generated in the *rich*! We dread the growth of a body of rich native landlords, and with that “calmness of mind” that can belong alone to the rulers of a country situated, as the English employed in India

“ now are, we spend a life-time in deliberating whether the risk shall be incurred. We repudiate as still more dangerous the remedial effects of wealth in the hands of British colonists. Could a state, predestinated to destruction, exhibit more fatal symptoms? And how are we to account for the decorous, conventional silence observed in public correspondence on those vital questions which are in the mouths of all men? The matter is told in Gath and published in the streets of Askalon, while the parties chiefly interested, at least chiefly responsible, doggedly pursue the routine of administrative details.

We have seen what effectual precautions have been taken against the precipitate conclusion of a permanent settlement of the upper provinces, insomuch that there is no prospect of the preliminary inquiries being ever terminated, and that the beneficial results of the arrangement cannot be inconveniently accelerated. Still the idea of their too rapid developement recurs,—as in the following passages of the before-quoted resolution of 22d December, 1820. “ It would be inconvenient, and, probably, mischievous, *hastily* to “ dissolve the village communities, by inviting

“ each proprietor to come under separate engagements ; and even the peculiar conditions of the Bhyachara tenure, though certainly open to some objections, could not, it may be apprehended, be set aside without occasioning much dissatisfaction, even if it should not be found to be a contrivance which more than ordinary dependence on the seasons, or other local peculiarities, renders necessary for the security of Government and that of the people, until the improvements consequent on a perpetual settlement shall obviate the risk which, under a heavy assessment, must result from fixing the Jumma on every minute portion of land.”—“ The danger of abuse on the part of the leading men will apparently be obviated by the formation of accurate records of individual property, and by securing to each his own possessions until they be transferred by his own act : and although his Lordship in Council is not prepared to say that it would be expedient to adopt any rules for limiting the right of the sharers in putteedaree estates, to have separate engagements taken from them, it appears, certainly, undesirable to pursue any measures which might tend *suddenly* to alter the constitution of the village communities.”

The security which the community of property

in the village Zemindarry is here said to afford to Government and to the people, is no other than that those who are able to pay shall be made to contribute for those who are unable, the worst mode of security that can be imagined, and, therefore, one that cannot be "necessary." Where the portion of each share-holder is "minute," and, consequently, the cultivators redundant, a certain amount of Jumma may be levied, but the net produce cannot be increased without breaking up the community and consolidating the petty shares into larger estates.

The oppression exercised by the Zemindars in Bengal has been unjustly imputed to the permanent settlement. Complaints of exaction must be heard where there is no rule to guide the judge in administering relief; and Lord Cornwallis cannot be made responsible for a defect which existed before his administration, and which no subsequent Government has been able to supply. Lord Cornwallis did indeed assume that "every beegah of land possessed by the Ryots must have been cultivated under an express or implied agreement that a certain sum should be paid and no more;" and that "every abwab, or tax, imposed by the Zemindars above that sum, is not only a breach of that agreement, but a direct violation of the esta-

“ blished laws of the country.” But litigating parties have almost invariably failed in establishing any definite agreement, express or implied ; and though various projects have been suggested for framing some standard for the decision of such cases, the undertaking has been found impracticable, and every Government has wisely abstained from prescribing an arbitrary schedule of rates. That the condition of the Ryot is, in every respect, far from what is desirable, is certain ; but, in support of the proposition that it has not been deteriorated by the permanent settlement, the following testimony may be adduced. The Board of Commissioners for the Western Provinces thus express themselves, in a letter, dated 30th May, 1815 :—“ But “ the tenant, although apparently sacrificed to “ the Zemindar, and debarred from all redress “ by the expense, the dilatoriness, and, above “ all, the uncertainty of judicial decisions, does “ not, in practice, suffer those hardships to “ which, in theory, he would appear to be “ exposed. When people have reciprocal wants, “ their mutual necessities drive them to something “ like an amicable adjustment. The landholder “ can no more do without the tenant than the “ tenant without the landholder. The obligation “ of the latter to pay the public revenue is

“ certain, and the consequence of his failure is
“ ruin. Starvation is equally certain to the Ryot if
“ he cannot get employment. But nature in this
“ country requires little; and although frequent
“ instances have occurred of Zemindars being
“ ruined, no instance has been heard of a Ryot
“ starving for want of work. The law, indeed,
“ has suffered the positive rights of the tenants,
“ as occupants, to pass away *sub silentio*; but
“ custom, founded on necessity, and stronger
“ than law, has secured to them privileges
“ which appear sufficient to have made them
“ happy and comfortable, and, with reference to
“ all former periods, rich. We, in fact, believe
“ the tenants in Behar and Benares to be much
“ better off than they were before Kasim Ally
“ Khan’s time. One half of the produce is still
“ the usual share of the Ryot, and he is subject
“ to no exaction. The demand for Ryots is so
“ great, that they can make, and do make,
“ better terms. A Ryot who had but one plough
“ at the time of the perpetual settlement, will be
“ found to have now two or three ploughs. The
“ rate of hire for a ploughman is more than
“ doubled since that period, and grain, on an
“ average, is much cheaper; and although cloth
“ and other articles of necessary use are dearer,
“ the Ryot, who was formerly almost naked, is

“ now clothed. If any doubt should exist of
 “ the ameliorated state of the tenantry in Behar
 “ and Benares, the fact may be proved by
 “ reference to the increase of nuhdee* and the
 “ decrease of bhowlee† tenures.”—“ It may be
 “ observed,” says the Collector of Cuttack, 29th
 July, 1811, “ that it is the Zemindar’s interest
 “ to get as much as possible, and the Ryot’s to
 “ pay as little as possible. But self-interest will
 “ induce the Zemindar to temper his conduct,
 “ while no such hold restrains the conduct of
 “ the Ryot ; and I therefore apprehend, if the
 “ Zemindar’s power be much restricted in this
 “ district, endless litigation would ensue, and
 “ the revenue would be materially injured. The
 “ Zemindars who have ill treated the Ryots in
 “ this district have soon found their error, and
 “ have found it expedient to moderate their
 “ conduct.” Though Cuttack has not yet been
 permanently settled, the above observations are
 generally applicable.

With respect to the effects of the measure on
 the Ryots in the permanently settled districts
 subject to the Madras Presidency, their Board of
 Revenue observe, (25th April, 1808,) “ Because

“ the Zemindars, thus confirmed or created,
“ have, in the new revenue and judicial code of
“ regulations, been styled proprietors of their
“ respective lands, some have supposed that the
“ rights of the people have been thereby impair-
“ ed. But those rights, on the contrary, as we
“ conceive, have been strengthened rather than
“ invalidated by that code.” Again, (5th Jan.
1818,) “ The Government, in short, transferred
“ to the Zemindars nothing but what they were
“ competent to transfer, viz. the right to collect
“ the public dues from the Ryots; and as the
“ amount of these could not be fixed, they limited
“ the rates of assessment to those which were
“ payable by the Ryot at the period the perma-
“ nent settlement was introduced. By these
“ provisions the rights of the Ryot, both in
“ Telingana and the Tamil country, have not
“ only been preserved under the permanent
“ Zemindarry system, but, by the establishment
“ of regular courts of judicature, introduced
“ along with that system, they have been con-
“ firmed and upheld in a manner before unknown
“ under the British rule,” &c.

From the earliest period of the British administration down to the present day, there has been an unavailing recognition of the advantages that would result from the general use of definite

pottahs, without the least approximation to the attainment of so desirable an object. In a minute, dated November 1, 1776, Mr. Hastings said, "The design of establishing new pottahs for the Ryots, the failure of which has been objected as a reproach on the late administration, has been tried with equal ill success by the present, in their late settlement of Burdwan, where, notwithstanding the solemn engagement of the Zemindar, and the peremptory injunctions of Government, not a pottah has yet been granted (if my information is true, and it may easily be proved), nor will be granted, of a different tenour from those which have been granted for some years past, unless more regular means are taken to obtain them." On the 12th November, 1776, he observes: "Mr. Francis seems to suppose that there is no necessity for the interposition of Government between the Zemindar and the Ryot. He observes, that 'if they are left to themselves they will soon come to an agreement in which each party will find his advantages.' This would be a just conclusion, if the Zemindars were all capable of distinguishing what was for their advantage; but it is a fact, which will with difficulty obtain credit in England, though the notoriety will justify me in asserting it here, that

“ much the greatest part of the Zemindars both of
“ Bengal and Behar, are incapable of judging or
“ acting for themselves, being either minors, or
“ men of weak understanding, or absolute idiots.
“ This circumstance, and the consequent oppres-
“ sions which are exercised by those who act for
“ them without interest in the prosperity of the Ze-
“ mindarry, renders it necessary to provide for the
“ security of the Ryots by checks and regulations.
“ It is to be observed also, that there are two kinds
“ of Ryots. The most valuable are those who reside
“ in one fixed spot, where they have built them-
“ selves substantial houses, or derived them by in-
“ heritance from their fathers. These men will suf-
“ fer much before they abandon their habitations,
“ and therefore they are made to suffer much; but,
“ when once forced to quit them they become va-
“ grant Ryots. The vagrant Ryots (as Mr. Francis
“ observes) have it in their power to stipulate for
“ terms, and if the Zemindar increases their rent,
“ or exacts more from them than their agreement,
“ the Ryots either desert, or if they continue they
“ hold their lands lower than the established rate
“ of the country. Thus the ancient and industri-
“ ous tenants are obliged to submit to undue exac-
“ tions, while the vagrant Ryots enjoy lands at
“ half price, which operates as an encouragement
“ to desertion, and to the depopulation of the

“ country. The general subject of pottahs, and
 “ the abuses and oppressions arising from their
 “ present uncertainty, and the variety of articles
 “ that compose the Ryots’ accounts, have been often
 “ matter of just complaint; and I believe every
 “ member of the Board is satisfied that they require
 “ to be reformed. All that I now propose is to
 “ collect the materials of information on this sub-
 “ ject, to be laid before the Board for their future
 “ determination on the most effectual means of
 “ regulating the pottahs. At present, I am not pre-
 “ pared to complete the plan, and decline giving
 “ a premature and partial opinion, while I am
 “ professedly seeking for the grounds to deter-
 “ mine it.”

The difficulty which Mr. Hastings would have found “ in England,” or anywhere, would have been, not in gaining credit for the *fact*, that the Zemindars were as he described, but for the *inference*, that therefore Government ought to prescribe the terms to be granted by them to their Ryots. The proposition of Mr. Francis is certainly as true, and no more admits of qualification in India than in England; for nowhère can minority, idiotcy, or weakness of understanding, be considered a legitimate ground for authoritative interference between buyer and seller, landlord and tenant. Such natural infirmities did

not prevent Mr. Hasting, in 1772, from putting up every Zemindarry, in Bengal, to auction, and giving it to the highest bidder. If there is a competition among Zemindars, or their representatives, for Ryots, rents will be lower; and if there is a competition among Ryots for farms, rents will be higher; and the circumstance of the “vagrant” (*pacekasht*) Ryots, who pretend to no claims founded on law or custom, obtaining better terms than the resident (*koodkasht* or *chupperbund*) Ryots, who rely on customary or (as they are strangely designed) “established” rates, shews that the non-recognition of any such pretended rates, and the abolition of all “checks and regulations,” except what are implied in the enforcement of specific contracts, would be equally beneficial to the whole body of Zemindars and Ryots. At first it might be supposed that those Ryots who claim the right of hereditary occupancy on payment of some “established” rent, would be found to hold their lands on more favourable terms than those who had no such pretensions, but the contrary is invariably the case; the former description of Ryots cultivating, generally, without pottahs, do always pay higher rent, and are less susceptible of legal protection than the latter who cultivate with pottahs. This contrast ought surely to be an encouragement rather to the

renunciation of imaginary rights, than to “desertion and the depopulation of the country.”

Thirteen years later no progress whatever had been made in discovering “the most effectual means of regulating the pottahs.” In 1789, Mr. Shore observes, “the rates not only vary in the different collectorships, but in the pergunnahs composing them; in the villages, and in the lands of the same village.”—“The standard is so indeterminate that the Ryots neither know what they have to pay, nor can the officers of government, without the most difficult investigation, ascertain whether they have been imposed upon or not.”—“It would be impossible, I conceive, to fix specific rates for any one species of produce, in any district, generally; the quality of the soil and the situation of the land, as enjoying the advantage of markets and water carriage must determine it.”—“No order of government should ever be issued unless it can be enforced; to compel the Ryots to take out pottahs where they are already satisfied with the form of their tenure and the usages by which rents are received, would occasion useless confusion; and to compel the Zemindars to grant them under such circumstances, or where the rules of assessment are not previously ascertained, would, in

“ my opinion, be nugatory.”—“ The regulation
“ of the rents of the Ryot is properly a transac-
“ tion between the Zemindar, or landlord, and his
“ tenants, not of the Government ; and the detail
“ attending it is so minute as to baffle the skill
“ of any man not well versed in it.” Still Mr.
Shore was for persevering in the search after
these occult rules for regulating rents, thinking
that “ if the assessment of the Zemindars were
“ unalterably fixed, and the proprietors left to
“ make their own arrangements with the Ryots,
“ without any restrictions, injunctions, or limi-
“ tations, which, indeed, is a result of the fun-
“ damental principle, the present confusion
“ would never be adjusted.” The experiment,
however, of leaving the proprietors to make their
own bargains with their Ryots, which did seem
a natural result of the fundamental principle of
a perpetual settlement, has never yet been tried.
When it is resorted to it will be found the best
and only corrective of “ the present confusion.”

Either the continually renewed professions of
a desire to ascertain the rents payable by the
Ryots are made without any sincere conviction,
and the adoption of the just and bold proposition
of Mr. Francis is declined, partly from a sense of
the real weakness of Government, but still more
from dread of responsibility, or they imply a
strange insensibility.

century. The force of this dilemma presses more severely on each successive administration, so that nothing can be more unreasonable than that any one should impute remissness to its predecessor, seeing that itself, with more experience, has done nothing towards reducing the perplexity, having neither been able to untie, nor ventured to cut the knot. When the reader is further reminded that the regulations of Lord Cornwallis no where pretend to define or prescribe rates of rent payable by Ryots, but leave them, as depending on local custom, to be ascertained by the several Courts of Justice, he will be able to judge of the propriety of the following remarks in a resolution of the Governor General in Council, dated 1st August, 1822:—“ In truth they
“ (Lord Cornwallis’s regulations) are certainly
“ somewhat wanting in that clearness which so
“ important a matter demanded, and it cannot
“ be concealed that the great author of the per-
“ manent settlement, resting too much on the
“ notion that the *established* rent was as much as
“ the Ryots generally could pay, or as the Ze-
“ mindar could reasonably wish to demand, did
“ not estimate with sufficient distinctness the
“ degree in which the possession by the Ryot of
“ a right of occupancy, at *determinate* rates, must
“ limit the proprietary interest of the Zemindar,

“ limitation.”—“ As far, therefore, as concerns
“ the Ryots, the perpetual settlement of the
“ lower provinces must, His Lordship in Council
“ apprehends, be held to have essentially failed
“ to produce the contemplated benefits, with
“ whatever advantages it may have otherwise
“ been attended.”

I do not find that Mr. Francis's proposition was again submitted to the consideration of Government till thirty-five years after it had been first rejected, when it was brought forward in a letter from Mr. Barnett, Acting Collector of Rajeshaye, dated 16th August, 1811, from which the following paragraphs are extracted :—“ The
“ regulations have now been printed and published since 1793, a period of eighteen years,
“ and I am convinced, notwithstanding the wish
“ of Government, that pottahs should be granted
“ and cabooleats taken, there are as few now as
“ ever there were. •It will naturally be asked,
“ how does this happen ? The only explanation
“ I can offer is, that the rights have never been
“ determined ; or, if determined, not well understood. The consequence is, the Zemindar
“ who pretends to consider his Ryot a tenant at
“ will, tenders a pottah at an exorbitant rate ;
“ the Ryot, who considers himself (from the circumstance of having held his lands for a very

“ long period) a species of mokurrueedar, con-
“ ceives that he is entitled to hold his lands at a
“ fixed rent, and, therefore, refuses the pottah ;
“ the Zemindar distrains, and the Ryot is ruined.”
—“ It is true that, by the 7th section of Regulation
“ IV. 1794, the Ryots have a right to demand
“ a renewal of their pottahs at the established
“ rates of the pergunnah, but these rates are
“ difficult to ascertain. The lands in one village
“ may be worth three rupees per begah, and in
“ the adjoining village not worth three anas. Of
“ this the Ryot is aware, and the Zemindar takes
“ advantage ; and the Koodkasht Ryot would
“ only obtain a renewal of his pottah but at an
“ exorbitant rate, against which it would be
“ useless for him to contend.”—“ But whilst the
“ Ryot fancies he has a right to retain possession
“ of his lands at a fixed rent, and the Zemindar
“ will not admit this right, it is evident that no
“ rules can be framed which can put a stop to
“ disputes between the Zemindar and his Ryot,
“ and, whilst such doubts exist, it is vain to
“ expect that pottahs will ever be taken by the
“ Ryots, or that the Zemindar will not enforce
“ the VIIth Regulation of 1799, to collect the
“ rents he demands. The first rule must, there-
“ fore, be a declaration of the rights of the
“ Ryots, (*if they have any,*) as cultivators of

“ the soil, and they should be carefully explained and particularized. If they have none, it should be declared they are tenants at will ; *and there will be no hesitation on their part to take out pottahs, however hard the conditions imposed on them may be, because they will at once be able to determine whether they can fulfil the conditions of their engagements, and will be well assured that the conditions once entered into cannot be infringed by the Zemindars, and that they cannot enforce the payment of more than they have agreed to pay.*”

In a minute, by Mr. Colebrooke, introductory to an important regulation framed by him, (V. of 1812,*) there is an explicit acknowledgement that the latter alternative would be, in every respect, most advantageous, since no standard for the ascertainment of rents was discoverable. The only objection which Mr. Hastings had started, that most of the Zemindars were minors, fools, or idiots, did not so much as occur to Mr. Colebrooke as one capable of being advanced,

* With the exception of Reg. VII. of 1799, provided for strengthening the hands of the Zemindars in the collection of their rents, there is no revenue regulation more frequently referred to than V. of 1812, intended for the protection of the Ryots. The former has been much more successful in the accomplishment of its purpose than the latter.

or requiring to be refuted. Possessing, at that time, unrivalled influence and authority in such questions, he had a fine opportunity of marking an era in the history of the territorial administration of Bengal, and eventually of India, and there seemed no middle course by which he could miss it. Unfortunately, Mr. Colebrooke did stumble on a *tertium quid*, which avoided all the responsibility of innovation, by holding out the name and show of a standard for determining the rates at which Koodkasht Ryots should be entitled to have their pottahs renewed, *viz.* the average rent paid during the preceding three years for land of the same quality in the same neighbourhood. We have heard of the length of a chancellor's foot being considered a very uncertain standard, though, for a time, it would afford a definite scale of measurement; but the case would be very different if the average length of foot of men, of the same quality in rank and learning, were made to constitute the standard. So it is with that prescribed by Reg. V. of 1812, in which everything is disputable. The first point, the true average rent paid for a given spot of ground in the neighbourhood, might not be easily ascertained; but suppose it agreed that a certain sum had been paid, it might be objected by the Ryot that the given rent was too high,

having been the fruit of oppressive exactions, and that the average quality of the given land was better, and its localities more convenient than those of the land for which he was about to renew his engagement. On the other hand, the Zemindar might contend that the given rent was too low, having been reduced by considerations of relationship or friendship, and that the average quality of the given land was worse, and its localities less convenient than those of the land the rent of which was about to be determined. Such objections might be applied to every spot which could be proposed as the standard within the meaning of the Regulation. The consequence has been that the Regulation has had no practical effect in abridging the powers exercised by the Zemindars, but has rather had a contrary operation, and even been supposed to have been framed with a contrary design, as may be inferred from the following passage in the Resolution of the Governor General in Council, of August 1, 1822:—"The provisions of Reg. V. of 1812, were in no degree designed, nor, when duly considered, can they be interpreted as designed, to abridge the privileges of the Ryots, or to abrogate their right to demand new pottahs at DETERMINATE rates, when their existing engagements may expire or be cancelled."

It is proper, however, that the reader should see the acknowledgements ascribed to Mr. Colebrooke, as they are expressed in his own words. In Benares, he thinks that fixed rates are maintained; and, in the vicinity of Calcutta, the rent specified in a pottah is unalterable; but “the position, as a general one, is unquestionably true, that there is actually no sufficient evidence of the rates and usages of pergunnalis, which can now be appealed to for the decision of the questions between landholder and Ryot.” —“In this state of matters it would be better to abrogate most of the laws in favour of the Ryot, and leave him, for a certain period, to be specified, under no other protection for his tenure than the specific terms of the lease which he may then hold, than to uphold the illusory expectation of protection under laws which are nearly ineffectual. The tenant might thus be rendered sensible of the necessity of obtaining a definite lease from the landlord, and would find it his interest to require such a lease as the condition of his persisting in the culture of the lands; the landholder would equally find it necessary to grant definite leases, to induce the Ryot to continue the cultivation of the ground. *The parties would be thus compelled to come to an understanding; and this result would, on every*

“ *consideration, be preferable to the present state*
“ *of uncertainty, which naturally leads to oppres-*
“ *sion, fraud, and endless litigation.*

“ But if it be thought expedient, in place of
“ abrogating the laws which were enacted for
“ the protection of the tenantry, and especially
“ the Koodkasht Ryot, or resident cultivator,
“ that the right of occupancy which those laws
“ were intended to uphold, should be still main-
“ tained, and that the Ryot should be supported
“ in his ancient and undoubted privilege of re-
“ taining the ground occupied by him, so long
“ as he pays the rent JUSTLY demandable for it,
“ measures should be adopted, late as it now is,
“ to reduce to writing a clear declaration and
“ distinct record of the usages and rates, accord-
“ ing to which the Ryots of each pergunnah or
“ district will be entitled to demand the renewal
“ of their pottahs, upon any occasion of general
“ or partial cancelling of leases.

“ I had it, at one time, under consideration
“ to propose a plan for the preparation of such
“ records, under the superintendence of the re-
“ venue officers, assisted by the canongoe office,
“ to be re-established for that and for other pur-
“ poses, and in communication and concert with
“ the Zemindars and principal Ryots of each
“ pergunnah, and I had made a considerable

“ progress towards maturing the plan of this
“ great undertaking: but after much consul-
“ tation with the late acting President of the
“ Board of Revenue (Mr. Crisp), and with other
“ experienced and well informed officers of the
“ revenue department, I have been diverted from
“ this project by the apprehension that the intel-
“ ligence and activity requisite for the due
“ superintendence of its execution within each
“ Zillah, are not to be universally nor generally
“ expected ; and that if it were ill performed, it
“ might not improbably add to the subsisting
“ evils, instead of remedying them.

“ Upon the maturest deliberation on this dif-
“ ficult and intricate subject, I am compelled,
“ however reluctantly, to *relinquish the idea of*
“ *restoring a definite and certain standard*, to
“ which appeal may be made for determining
“ the rights of persons holding dependant and
“ subordinate tenures under landholders in chief,
“ and for settling the disputes and questions
“ which arise between them.

“ Abandoning this idea, and apprehensive that
“ an entire alteration of the provisions of existing
“ laws, however insufficient, which suppose such
“ a standard, may be productive of alarm at
“ least, if not serious and real evil, to the tenan-
“ try of the country, by abridging privileges of

“ which they yet have an imperfect enjoyment,
“ I shall content myself with merely proposing
“ that provision shall be made, by regulation,
“ for cases where the pergunnah rates are not
“ ascertainable, which should regulate the pot-
“ tahs of Koodkasht Ryots, or of other persons
“ entitled to a renewal of their leases. This
“ will silently substitute a new and DEFINITE
“ rule [viz. the average rent paid for land of the
“ same quality] in place of ancient but uncertain
“ usages.’

If “intelligence and activity” in ministerial officers had sufficed for the execution of Mr. Colebrooke’s project, there would have been no reason to despair, but if impossible tasks are assigned to them, the blame of failure must rest with those who misdirect their efforts, and who send others on laborious and bootless excursions rather than take one short but decisive step themselves. If in a particular district “no rule of
“ adjustment could be discovered after the most
“ patient inquiry, conducted by a *very intelligent*
“ public officer;” if “from the proceedings held in
“ numerous other cases, in the courts of justice,
“ the same conclusion may be drawn respecting
“ the relative situation of Ryots and Zemindars
“ in most districts;” and if “the position, as a
“ general one, is unquestionably true, that there

“ is actually no sufficient evidence of the rates
“ and usages of pergunnahts, which can now be
“ appealed to for the decision of the questions be-
“ tween landholder and Ryot;” how was it possible
for men, however gifted with knowledge and industry, to “ *reduce to writing a clear declaration and*
“ *distinct record of the usages and rates,*” which,
it is confessed, did not exist? Under such circumstances the true inference was, that the Ryots were virtually tenants at will, and that a mere record of actual payments, however accurate, would afford no rule for the determination of the relative rights of individuals.

That these long sought for rates and usages may ultimately be extracted from a sufficiently accumulated mass of statistical information, is still an accredited maxim. By Reg. XLVIII. of 1793, the collectors were required to prepare and transmit to the Board of Revenue quinquennial registers of estates paying revenue to Government, and (annual) registers of intermediate mutations in landed property. By subsequent Regulations, other registers relating to, and exempt from, the payment of revenue, were required; but they all remained nearly inoperative. Very few such registers were ever prepared; and, as the failure was ascribed to the want of sufficient office establishments, the judge and collec-

tor of each Zillah were, in 1817, appointed a committee, with the Register for their secretary, and adequate establishments, for the purpose of executing similar duties in a more accurate and comprehensive manner. These *Record Committees* record, compile, and transmit to the Presidency Record Committee, statements and reports respecting revenue settlements, individual or conjunct tenures, and all manner of statistical information. But the question is, what has been the value of their labours compared with the cost? What has been their influence on the statistical condition of the country, and on the territorial revenue? How much nearer have they brought us to the desiderated relations of landlord and tenant? In what degree have they tended to give simplification and validity to tenures? To these objects, the avowed ends of their institution, they have contributed nothing. If the inefficient quinquennial, and other register regulations, had not been disturbed from their slumber, some lacks of rupees might have been saved which have been spent on these Record Committees without the return of any advantage whatever. Taking the expense of each Committee at only 250 rupees per month, the expense of fifty-four Committees for ten years will amount to upwards of seventeen lacks of rupees. Yet the

absolute waste of a much greater sum would be nothing compared to the loss of time during which a better system might have been in operation,—one which facilitated the acquisition of individual property in land, and the application of British skill to its cultivation.

In 1814, the proposition of Mr. Francis was a third time brought forward in a Report, from Mr. Cornish, Judge of the Patna Court of Circuit. After Reg. V. of 1812, which was “silently to substitute a new and definite rule “in place of ancient but uncertain usages,” had been two years in operation, Mr. Cornish observes, “The assertion may appear extraor-
“dinary, but it is nevertheless certain, that the
“rights of the Ryots remain to this day unex-
“plained and undefined. It is true that there
“is something like a provision for preventing
“the rents of the lands of Chupperbund or
“Khoodhasht Ryots from being raised, unless
“the Zemindar can prove that they have paid
“less for them, for the last three years, than
“the nerrick of the pergunnah. But what is
“this nerrick, or how to be ascertained? It is
“a mere name, and of no kind of use in se-
“curing the rights of the Ryots. The Paee-
“hasht Ryots are altogether left to the mercy of
“the Zemindars. Was this intended? If so,

“ what can possibly be the objection to its being
“ declared, by the Regulation, that the Ryot is
“ a mere cultivator and tenant at will, and that,
“ if he refuse to take a pottah, he may be ousted
“ by summary process; and that, further, on the
“ expiration of his engagements, the Zemindar
“ may demand whatever rent he thinks proper
“ to ask?

“ The consequence of the confusion and
“ doubts which at present exist on this subject
“ is, that the Ryots conceive that they have a
“ right to hold their lands so long as they pay
“ the rent which they and their forefathers have
“ always done; and the Zemindars, although
“ afraid openly to avow, as being contrary to
“ immemorial custom, that they have a right to
“ demand any rent they choose to exact, yet go
“ on compelling them to give an increase; and
“ the power of distraint, vested in them by the
“ Regulations, soon causes the utter ruin of the
“ resisting Ryot.

“ These disputes, in general, end by the
“ Ryots appealing to the courts of justice. Suits
“ of this nature are exceedingly intricate and
“ difficult of decision, and the judgements of
“ the courts frequently given on principles dia-
“ metrically opposite: and this must and ever
“ will be the case until the subject is taken into

“ the consideration of Government, and the rights
“ of the Ryots, *if they have any*, clearly defined ;
“ or, if they have none, let their minds be set
“ at rest by being told so. In this case, instead
“ of resisting the attempts of the Zemindars to
“ raise their rents on them, which is sure ultimately to end in their destruction, they would
“ patiently submit to the orders of Government,
“ and secure for themselves the best terms in
“ their power.”

Still the evil was left uncorrected, unmitigated, and has continued to this day the opprobrium of every administration. In spite of the failure of Regulation V. of 1812, and of the confirmation given to Mr. Colebrooke's admission, that “ it would be *better* to abrogate most of the
“ laws in favour of the Ryot,”—“ that the tenant
“ might thus be rendered sensible of the necessity of obtaining a definite lease from the
“ landlord,”—and “ the parties be thus compelled to come to an understanding,”—a principle on which, it may be supposed, Mr. Colebrooke would no longer hesitate to act, if he were now a member of the Government, the endless and hopeless project is pursued of throwing on ministerial officers the burden of discovering non-existing rights, and of substituting persuasion for command in the arbitration of disputes.

In a Resolution, of the Governor General in Council, of December 22, 1820, it is observed, “ Thus, however desirable in itself that all engagements should stipulate the payment of a specific sum of money for a certain quantity or defined tract of land, yet both Zemindars and Ryots, and more especially the latter, will, in a multitude of cases, strongly object to such a scheme; and former attempts to effect the distribution of pottahs seem very generally to have owed their failure to the endeavour at giving to those instruments a precision inconsistent with the usages of the country, and repugnant to the habits and prejudices of the people. In many cases, too, the objections to fixed money-payments appear to be well founded; the precariousness of the produce and the poverty of the cultivator rendering it necessary that the rent should either be paid in a proportion of the crop, or that the Ryot should adopt the less advantageous mode of trusting to an undefined understanding that a part of the stipulated rent will eventually be relinquished. Although, therefore, great advantage would doubtless result from the general interchange of specific engagements between landlord and tenant, and especially from the discontinuance, as far

“ as possible, of all indefinite cesses ; and,
“ though the constant efforts of the officers of
“ Government, both revenue and judicial, cannot
“ be too earnestly directed to the attainment of
“ the object through every means of influence
“ and encouragement, his Lordship in Council
“ is by no means prepared to adopt any general
“ measures of coercion in order to enforce the
“ issue of pottahs.”

Former attempts to effect the distribution of pottahs owed their failure to the irreconcilable pretensions of the parties, to inveterate habits of extortion on one side, and of premeditated evasion on the other, and not the requisition of *precision* in the instruments, for, without precision, they are waste paper. And though the use of pottahs, setting forth no definite conditions, was frequent, they were not the less justly complained of by the revenue and judicial officers as useless documents, because they were consistent with the usages of the country, and consonant with the habits and prejudices of the people. But, as those officers are neither authorized to tell the Ryots that they are tenants at will, and must procure leases for their protection, nor to point to a schedule of rates which should supersede private contracts, it is inconceivable how their constant and earnest efforts could be

attended with the slightest benefit, even supposing that they had time to traverse their districts, exhorting all men to renounce their immemorial prejudices, and conform to the wishes of Government. Nor is it probable that this invitation of the Governor General induced a single judge or collector so far to overrate his influence as to attempt, by its means, to turn the stream of custom, and correct the abuses of ages. The ministerial officers say,—Give us authority, by law, to declare what rights of occupancy the Ryots have,—or, that they have none. ~~Govern-~~ment reply,—No; we will neither determine what their rights are, nor pronounce that they have none; but we require you to use your influence in effecting agreements between Zemindars and Ryots; to speak without authority on points which we refuse to decide; and to expound their respective rights in whatever manner may be consistent with your several private opinions respecting them.

In pursuance of the professed desire of ascertaining, in the course of time, the rights of the Ryots, the Resolution of August 1, 1822, observes, “As to the expediency of maintaining
“ the tenures of the Ryots, or of allowing them
“ to fall into the condition of tenants at will,
“ the Governor General in Council cannot view

“ it as a question debateable. Their *rights* his
“ Lordship in Council considers it the bounden
“ duty of Government to *maintain*; and, though
“ the policy of putting a perpetual limit to the
“ rents payable by the cultivator may be mooted,
“ when, in the progress of society, the surplus
“ produce of his lands may so greatly vary, yet
“ such a consideration would not afford any
“ reason for questioning the expediency of giving
“ permanency to rates for a considerable period
“ of time.”—“ The example of Bengal has shown
“ that further securities than those provided in
“ the existing code are indispensable; and his
“ Lordship in Council is strongly inclined to be
“ of opinion that no real security can be given
“ to the Ryot, unless we distinctly act upon the
“ principle of minutely ascertaining and record-
“ ing the rents payable by individual Ryots,
“ of *granting pottahs*, or, at least, registering
“ the Ryots holdings, and of maintaining the
“ rates *established* at the settlement, during the
“ time of such settlement, as an essential part
“ of the assessment.”—“ It seems, therefore,
“ essentially necessary to enter on the task of
“ fixing in detail the rates of rent and modes
“ of payment current in each mouzah, and
“ *applicable to each field*, and anything short of
“ this must be regarded as a very imperfect set-

“ tlement.”—“ If, indeed, as the Board them-
“ selves, with all other authorities, admit, rents
“ vary in every village, not merely with the
“ diversities of soil and crops, but also with
“ reference to the caste of the cultivator, the
“ inference to be drawn is that no common rule
“ can be laid down, or that the failure of past
“ attempts to settle the matter is chiefly to be
“ attributed to the desire which the public offi-
“ cers have had to render that simple and uniform
“ which is in its nature various, and to their
“ impatience of the detailed investigation, by
“ which alone accuracy can be secured.”

I know not what evidence there is of a desire, on the part of public officers, to render rents uniform, but there is good ground for their impatience of interminable investigations and unprofitable accuracy. It is Government which desires to render that *fixed* which is in its nature *variable*, and to disturb the natural level of private contracts by the interposition of public authority. While Government persevere in this course of minute inspection of, and continual tampering with, landed property, (if such a thing can be said to exist in the non-permanently settled provinces where it is so confusedly divided between the cultivators of various ranks and Government,) and prevent the enterprise and

skill of unlicensed British subjects from being applied to the cultivation of the soil and the manufacture of its rude produce, no lapse of time nor any elaboration of detailed enactments will ever conduce to the improvement of the public revenue, or of the condition and character of the native inhabitants.

CHAPTER IV.

ON THE JUDICIAL SYSTEM.

THE same change in the landed tenures which is indispensable to the promotion of agricultural improvement is no less indispensable to the production of that amelioration in the judicial system which is implied in diminished litigation, greater precision in the laws, and a more able administration of them. At present a greater proportion of the public revenue is appropriated to the maintenance of judicial establishments than can be paralleled in any other country; but if, by trenching still further on the funds for the support of other departments, the number of tribunals were doubled, and every judge a Mansfield, the effect on the happiness of the people would be inconsiderable. The sum of ignorance, poverty, and vice, would not be sensibly diminished; the rights of the Ryots, who constitute

the great mass of the population, would remain equally inscrutable; the disputes between borrowers and lenders equally numerous and perplexed. When the Zillah Courts were established, in 1793, Sir Henry Strachey observes that “ the judges and registers were soon overloaded with suits. I will not here dwell upon the claims without end to land of every description, or of talookdars to separation. I say nothing of the suits concerning rent-free land, and the boundary disputes which no labour can unravel. I proceed to mention that *the nature of the land tenures in Bengal gives rise to innumerable suits among the cultivators.*”

Among the few modifications of the existing system, which it would not be premature to introduce, the increased employment of native commissioners appears the most expedient. Increased emoluments would bring forward a better description of candidates for the office; and, by giving them jurisdiction in suits of unlimited value, the greater part of the expense might be defrayed from the institution fees. If it were found practicable, by such arrangements, to make any reduction in the number of European judicial officers, the savings thence arising might also be applied to the improvement of the salaries of the native judicial and police officers; but it

is probable that the trial of appeals, and the administration of criminal justice, would afford so much occupation to the European judges as not to admit of any reduction in the present strength of the establishment. In this manner an attempt might be made to prevent the accumulation of arrears of suits, and a step taken towards conciliating the natives and lessening the vast interval by which they are now separated from their European rulers.

This proposition has been supported by some of the most experienced servants of the Company. Mr. Ernst says, "The only effectual means of expediting the administration of justice must be derived from the employment of the natives; and I am of opinion that the number of Sudder Aumeens and Moonsifs, and particularly of the former, should be increased; that their powers, if necessary, should be enlarged; and that fixed salaries should be allotted to them, instead of the wretched and pernicious remuneration which they at present receive for their labours from the institution fee." The substitution of salaries for fees will, undoubtedly, be an improvement, when it can be effected; it is one which has slowly and partially been introduced into public offices and courts of justice in England: but, in the mean

time, we should not postpone what is clearly practicable because we cannot accomplish all that is desirable. Mr. Ernst proceeds to say :—

“ With few exceptions, I have found reason to
“ be satisfied with the conduct of the Moonsifs
“ and Commissioners who were employed in the
“ districts of Burdwan and Hoogly, where I
“ held the offices of judge and magistrate for
“ near six years ; and, in point of diligence and
“ capacity for the trial of such causes as came
“ before them, I believe that they are quite on
“ a par with most of the European judges. They
“ get through more business, and, in general, I
“ have found their proceedings fair and regular,
“ and their decisions satisfactory. If pains were
“ taken to select proper persons for the offices,
“ and they received the tenth part of the salaries
“ which are assigned to the European judges, I
“ have no doubt that their conduct would be so
“ exemplary as to inspire the natives with confi-
“ dence in their integrity.” *

Sir Henry Strachey observes :—“ The remedy
“ I propose for the defects I have stated is the
“ establishment of more Courts, composed of
“ natives, both Mahomedans and Hindoos, to
“ be guided entirely by our regulations. Let
“ the native judges be well paid, and they will
“ do the duty well : of this I feel the strongest

“ conviction. The expense would be little or
“ nothing, as the fees might defray the whole,
“ though it would be better to give the native
“ judges liberal salaries.”—“ If the powers of
“ the Moonsifs were only extended to the de-
“ cision of suits to the amount of two hundred
“ rupees, (the limit of the Register’s authority
“ at present,*) the institution fee alone would, I
“ conceive, form an ample fund for the payment
“ of the native judges and their omlah. When
“ I speak of a liberal salary for a native judge,
“ I would be understood to mean somewhat less
“ than one-tenth of the salary of the European
“ judge. It is my opinion that *all* the judicial
“ functions of Bengal might gradually be thrown
“ into the hands of the natives, if such were the
“ pleasure of the Company ; and that the busi-
“ ness would be as well conducted, under the
“ Regulations, by the natives as by the Euro-
“ peans,—in some respects better,—and at one-
“ tenth of the expense.”—“ To transact one
“ quarter of the judicial business by European
“ agency is impossible. If all the Company’s
“ servants were employed in judicial offices, still

* The limit has since been raised to 500 rupees ; and Sudder Aumcens (with salaries of 200 rupees a month, and no fees,) may try suits not exceeding 500 rupees.

“ the drudgery would fall upon the natives.
 “ The advantage, in point of economy, of em-
 “ ploying the natives is self-evident. The plan
 “ might be contracted or adopted to any extent.
 “ Suppose a proportion, for instance of half, of
 “ the subordinate offices in the judicial depart-
 “ ments (I mean those of Register and assistant)
 “ as they fall vacant, were to be filled with
 “ natives, with allowances of two or three hun-
 “ dred rupees to each, that is to say, less than
 “ half the present salaries and emoluments, it
 “ would soon be found that the natives are fit for
 “ the office of judge. We should have a respec-
 “ table class of natives, who would, in some de-
 “ gree, assimilate with us, and would form a link
 “ of connexion between us and the body of the
 “ people.”

Mr. Erskine says :—“ I am of opinion that
 “ more native judicial officers should be em-
 “ ployed, and that their jurisdiction should be
 “ extended. Natives may be found not deficient
 “ in ability. They generally possess talents for
 “ business, and if their situation were rendered
 “ more respectable, by competent salaries, I think
 “ they would prove not wanting in point of in-
 “ tegrity.”

Colonel Munro says :—“ Should it ever be-
 “ come necessary to increase the number of

“ Courts at any future period, it ought to be
 “ done, not by employing any additional Euro-
 “ peans, but by establishing a native Court under
 “ a native judge, with a liberal salary of from
 “ five hundred to one thousand rupees monthly.
 “ Such a man would decide more causes than
 “ any three European judges, and in at least as
 “ satisfactory a manner.”

Mr. Thackeray is of opinion that, “ under a
 “ great *native* government, which trusted, ho-
 “ noured, and rewarded the natives, men of
 “ perhaps as much integrity, and certainly of
 “ greater ability than the European judges,
 “ would spring up; but at present a high sense
 “ of honour and principle is not to be expected.”
 In the history of eastern nations there is nothing
 to justify this unqualified position. Under a
 British Government natives may be trained to
 the study and practice of the law; but, at Mor-
 shedabad formerly, and at Lucknow, Nagpore,
 and Hydrabad now, there are no courts of justice,
 no laws, no lawyers, no judges.

In the first volume of Mr. Harington's *Analysis*
 of the Regulations, published in 1805, p. 101,
 we have the following observation:—“ *If any-*
 “ thing be wanting to secure the integrity of the
 “ native commissioners, who now receive no
 “ fixed salary, but are allowed the institution

“ fee of one ana per rupee, in all cases decided
“ by them upon an investigation of the merits,
“ or adjusted before them by the agreement of
“ the parties, *it may be confidently presumed* that
“ so essential a requisite to the purity, impar-
“ tiality, and consequent utility of every judicial
“ establishment, which has been so wisely and
“ liberally granted to the present European
“ courts of judicature, will not be denied to
“ those under native superintendents.” Since
the above passage was written, seven Governor
Genèrals have held the reins of Government, and
Mr. Harington himself has had a seat at the
Council Board, without any fixed salary having
yet been granted to the great body of native
Commissioners, the Moonsifs, who try suits for
personal property not exceeding 150 rupees in
value, and whose average monthly income, from
fees, is no more than twenty-three rupees.

In favour of extending the jurisdiction of the
native Commissioners, we have, also, the testi-
mony of Sir John Malcolm, who thinks that
“ we may, perhaps, anticipate a period when
“ the English Zillah Judge will have few causes
“ but those of appeal from the native courts.”

The delay in bringing a cause to decision is
occasioned not by the slowness of procedure, but
by the multitude of causes on the file and the

insufficient number of courts. On this point we have the following acknowledgement in the Fifth Report:—"The number of causes depending, on the 1st January, 1802, before the five (Bengal) Courts of Appeal, was 882; before the Judges of the twenty-eight City and Zillah Courts 12,262; before the Registers of the last-mentioned Courts 17,906; and before the native Commissioners 131,929. The number of causes which had been decided in the course of the preceding year was, in the five Courts of Appeal, 667; by the twenty-eight Judges of the City and Zillah Courts 8298; by their Registers 14,124; and by the native Commissioners 328,064. It is to be remarked that these numbers include the causes which were referred to arbitration and such as were withdrawn by mutual consent of the parties, which will considerably reduce the number of those causes which underwent investigation, and perhaps account for the almost incredible number which must otherwise be supposed to have been decided by the Judges and their Registers."

Nevertheless it has been objected, by those who wish the civil administration to be conducted, as nearly as possible, according to the native model, that the delay is in a great measure

occasioned by multiplicity and tediousness of *forms* borrowed from the practice of the courts in England. This objection has even been sanctioned, in the strongest terms, by the Court of Directors, in their letter to Madras, of 29th of April, 1814 :—“ What also occasions the great
“ arrears of suits in all our tribunals, both English and native, is the process and forms by
“ which justice is administered. This process
“ and these forms are substantially the same as
“ those of the superior tribunals in England, and
“ even pass under the same names. The pleadings of the court are almost in every case
“ written, as well as the evidence of witnesses,
“ and they proceed by petition or declaration,
“ replication or rejoinder, supplemental answer
“ and reply. Such a minute and tedious mode
“ of proceeding in a country where the courts
“ are so few, compared with the vast extent and
“ population of it, must be quite incompatible
“ with promptitude and despatch. Causes must
“ be long pending and slowly got off the file,
“ and the tediousness with which they are
“ brought to a settlement must, in innumerable instances, be a greater evil than the
“ original injury sought to be redressed, to
“ say nothing of the frequent visits which the
“ litigant parties are under the necessity of

“ making for the purpose of filing their pleadings in the progress of the cause, according to the turn which the proceedings may take.”

The forms used in all the courts were prescribed by Sir Elijah Impey, when he was appointed Superintendent of the Court of Sudder Dewanary, in 1780, and possess the utmost simplicity that is consistent with a clear ascertainment of the points on which the parties are at issue, and which they intend to sustain by evidence. Written pleadings may have a formidable sound to those who are acquainted with the intolerable fiction and tautology admitted into such papers in England ; but, in India, the plaint is a concise statement of the plaintiff's claim, which is met by the defendant's answer. If new points have been introduced into the answer, it is necessary that they should be noticed by the plaintiff in a rejoinder, to which the defendant returns his reply. It is only in case of mistake, inadvertence, or other cause shown, that supplemental pleadings may be allowed. It remains to be seen whether this course of proceeding can be shortened (as has been proposed for England*) by confiding the drawing up of the pleadings, or the noting of the true

points in dispute to the Judge himself, after oral examination of the parties ; but to attempt to do it merely by excluding written pleadings, or by not permitting the parties to put in more than plaint and answer, would multiply the chances of error and the grounds of appeal. Of the English forms nothing is retained but what is useful and essential in the trial of causes not susceptible (as in cases of debt under a certain amount) of summary decision.

There is, however, one form borrowed from the law of England which, though not a source of delay or expense, it appears desirable to discard from the administration of justice in every country, and especially in India. It is the form of requiring all judicial testimony to be delivered on oath. In scripture we find no allusion to the oath of a *witness* to facts affecting the person or property of a third party. Both in the Old and New Testament they relate first to vows ; secondly, to the guilt or innocence of the party swearing when there was no other evidence on the subject ; thirdly, to the confirmation of covenants and treaties ; or, fourthly, are voluntary appeals to the Deity, for the truth of declarations affecting only the declarant. Of this last kind are the texts referred to by Mr. Scott, in the following passage :—" Many examples in the New Testa-

“ ment prove that swearing on solemn and important occasions is not unlawful (2 Cor. I. 23 ; 1 Thess. II. 5.) ; and there seems no reason to conclude that oaths in a court of justice, or on any other occasion which fairly requires them, are wrong ; *provided* they be taken with reverence to the majesty, omniscience, and justice of God, and be exactly consistent with truth and equity. Yet the multiplication of oaths in our jurisprudence, and the irrelevant manner in which they are administered, occasion immense guilt, and are an enormous evil, exceeding all calculation.”—“ Indeed, though the whole necessity of oaths arises from the selfishness and deceitfulness of man, yet the worse men become the less they are bound by them, and the better they are the less need is there for them.” The levity with which oaths are administered on all occasions, and the indifference with which they are taken by the most depraved characters, not only tend to divest them of all sanctity, but to destroy all reverence for truth itself, for if perjury be accounted so light a matter, simple falsehood must be still more venial. Yet it was for telling a lie that Ananias and Sapphira were struck dead. The importance of an adherence to truth would be more justly estimated if verdicts were determined by

the weight of unsworn evidence, and the punishment and shame of perjury were awarded to the crime of bearing false witness.

The repugnance universally entertained by the natives of India, both Mahomedan and Hindoo, to the taking of a judicial oath, is well known, though the grounds of their objection have never been clearly stated. Their total want of power to bind the conscience and extract true evidence is as generally acknowledged; and ineffectual attempts have been made to correct the evil by enacting severer punishments for perjury, and by seeking for more impressive *forms* of administering them. The true remedy, in conjunction with, and in subordination to, the slow effects of religious instruction, seems to be by permitting all classes to give evidence unsworn, to remove, or at least greatly diminish the objection which respectable persons now have to appearing as witnesses in a court of justice. Mr. Edward Strachey has supported the proposition with irresistible arguments. "Such is the terror of the oath," he observes, "that no respectable person will appear in our courts, as a witness, if he can help it. My own little experience enables me to say that it is common for families, sometimes even whole villages, to fly at the apprehension of being named as witnesses. I

“ have often known men cry and protest against
“ the injustice of others who have accused them
“ of being witnesses to a fact ; and they declare
“ that they are innocent of the charge with as
“ much anxiety as if they were accused of felony.
“ Some men refuse to swear from conscience and
“ others from pride. Whatever may be the orthodox
“ opinion of the Hindoo theologians, the people
“ at large do certainly consider that the taking
“ of an oath on the Ganges water, is a spiritual
“ offence of the most horrid nature, which con-
“ signs them and their families, for many-gene-
“ rations, to damnation. With respect to those per-
“ sons who do not make it a point of conscience,
“ it must be admitted that to appear in one of our
“ courts as a witness, is, in the highest degree,
“ disgraceful. In short, the very fact of a na-
“ tive having taken an oath in one of our courts,
“ is a presumption against the respectability of
“ his character, or the purity of his conscience.
“ If any doubt is entertained of the truth of these
“ facts, I can only say that I assert them on the
“ grounds of my own experience, and of the best
“ information which I have been able to collect
“ from natives as well as Europeans. I suppose
“ that the evils are acknowledged to exist to their
“ fullest extent, but that they are considered to
“ be necessary evils. The courts have now au-

“ thority, in certain cases, to exempt persons
“ from swearing. This is something, but it does
“ not appear to be sufficient. If the corporal
“ oath, in the form now used, *does tend to banish*
“ *truth from our courts*, and if it is liable to the
“ objections I have stated, I know no reason
“ why it should not be banished altogether.—
“ The imposition of an oath on a man, who be-
“ lieves that by taking it he brings damnation
“ on himself and his family for many generations,
“ appears to me to be a mode of finding out
“ truth not very different from torture.”

Improvements in the text of the law, and in the training of the judges, cannot well precede, but will certainly follow, the general progress in wealth and intelligence.

CHAPTER V.

ON THE EXCLUSION OF BRITISH SUBJECTS
FROM THE RIGHT OF HOLDING LAND IN
INDIA.

THE Company's servants who were first employed in the collection of the land revenue received much smaller salaries than the present collectors, and were more impatient of the privations and inconveniences incident to a residence in India. Various indirect modes of acquiring wealth were resorted to, and more or less sanctioned by general usage, connivance, and countenance : but the practice of holding (in the names of native men of straw) and trafficking in *under-assessed* land, which directly intercepted revenue from the treasury, was among those against which the earliest efforts of counteraction were directed. In 1766, the Court of Directors, in their general letter of 17th May, thus address the Bengal Government :—" We positively order that no

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“ covenanted servant, *or* ENGLISHMAN *residing*
“ *under our protection*, be suffered to hold any
“ land for his own account, directly or indirectly,
“ in his own name or that of others, or be con-
“ cerned in any farms or revenues whatever.”

The comprehensive term “ Englishman ” was used for additional security against collusion, but still more from the antipathy of monopolists to interlopers, and from jealousy of men less subject to their authority, whose obvious interest it would be to besiege the legislature with petitions for relief. from the restraints by which their industry was fettered, and the more grievous oppression to which their personal liberty was subject. These feelings naturally induced a determination that there should never be many Europeans in India who were not covenanted servants of the Company ; and an exclusion originating, and still maintained, from principles which actuate the proceedings of corporations of every description, civil, ecclesiastical, municipal, and commercial, has since been defended by every available artifice of sophistry, and by a reliance on the indifference rather than the ignorance of their countrymen. If our possessions in India had been acquired in the same manner as other foreign dominions of the crown ; if the Company had never exercised, or ‘ been long ago deprived of, the

powers of government, the policy of colonizing India would never have been questioned. A king's government would have entertained no dread of being overbidden in the market of India, or undersold in the market of England, nor have harboured any doubts of the loyalty and allegiance of the colonists. The matter would have been left to take its own course, and the only questions ever raised would have been respecting the adaptation of the form of government to the progressive development of the resources of the colony.

According to Mr. Harington, the disability of Europeans to purchase, rent, or occupy land out of Calcutta, without the sanction of Government, enacted by Reg. XXXVIII. of 1793, for Bengal, Reg. XLVIII. of 1795, for Benares, and Reg. XIX. of 1803, for the Upper Provinces, proceeded "from a regard to the prejudices of the natives; with a view to promote their ease and happiness; and to obviate the evils that would necessarily have resulted from allowing any persons *not amenable to the Provincial Courts of Judicature* to purchase and rent estates without restriction or limitation." And, with reference to Reg. II. of 1793, sec. 46, he says, that the prohibition against farming lands to Eu-

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Europeans, or accepting their security for landholders or tenants, without the sanction of Government, is consistent with other restrictions which have been already mentioned against the tenure of lands by Europeans *not amenable to local Courts of Justice*, and was founded upon experience of evil consequences arising from a promiscuous intercourse between the natives of the country and strangers of different habits and various character, who were often disposed to assume and abuse illegal authority. First, inadequate Courts of Justice are provided, and then the resort of European agriculturists and manufacturers is to be interdicted, because they would not be amenable to the provincial Courts. Wherever legal restraints on abuse of authority, or other misdemeanours, are insufficient, men will be found to trespass on the rights of their neighbours ; but does it follow that an English Government cannot rule Englishmen in India, and must, therefore, exclude them from the country, from the same policy which induces the Chinese Government to prohibit the entrance of Europeans into China ? However absurd such an inference would be, some such feeling of the ungovernable nature of an Englishman is not only traceable in various proceedings of English

functionaries in India, but is often avowed as the true ground of our policy, even by those who claim for it the merit of self denial.

It is readily admitted that an individual Englishman will sometimes give more trouble to a Zillah judge than twenty or a hundred natives, and the suggestion which then offers itself to a narrow-minded and indolent judge is, that it is desirable to remove the peccant individual ; and that it is wise to prevent such troublesome people from settling in the country : but one gifted with a nobler frame of mind sees at once that an increase in the number of Englishmen would facilitate the business of governing them, not only by the awe in which each would stand of his brethren but by the physical force which would be ready to maintain peace and support authority in a vigorous execution of the laws. The error of the former closely resembles that of a Governor of New South Wales, (General Macquarrie,) who, finding that many instances of disorder were connected with the misconduct of women, who were greatly outnumbered by the other sex, recommended that *fewer* women should be sent out ! Unfortunately, however, in the case of India, the error is pregnant with more serious consequences, since it places the existence of our empire in continual danger, and having long

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been sanctioned by law, the remedy is of more difficult attainment.

The principle of the original prohibition having been to guard the integrity of the Collectors of land revenue at a time when the insufficiency of their salaries, and a less efficient system of responsibility, exposed them to temptation; and an unlimited dispensing power having been reserved to the Governor General in Council, it has been within the competence of various Governor Generals, not merely to urge on the Court of Directors and Board of Control the expediency of annulling all restrictions on colonization, but practically to exemplify its good or evil tendencies by reducing it to experiment. That not one of them has ever, by word or deed, made the slightest attempt to redeem the negligence of his predecessors, only proves that none of them have ventured to express, officially, sentiments at variance with the most cherished maxims of the Court of Directors, the prevalence of which is probably destined to be coeval with the existence of that body.

One of the most favourable opportunities for watching the progress and effect of the introduction of European farmers of land occurred in the year 1794, when it was found that a number of indigo planters had quietly and honestly pos-

sessed themselves of such tenures. In other parts of the country the practice was, as it is now, for the planter to contract for the delivery of a certain quantity of indigo plant, or for the produce of a certain number of beegahs, making advances of seed and money : but at that time such arrangements were not found practicable in the Benares district, and it was necessary that the planter should obtain a lease of the land, and cultivate it with his own servants and cattle. As everywhere else on the face of the earth, so here, in Benares, disputes arose between Europeans and natives, but chiefly, and more angrily, between European rivals, for the adjustment of which no tribunal was provided but the office of Resident, then held by Mr. Jonathan Duncan. On discovering the slender roots of colonization which were beginning to strike into his territory, Mr. Duncan considered that his first duty was to tear them up, an operation which would greatly simplify and abridge the investigation of the merits of the several disputes which had come before him. The following extracts from the representation of the planters, from the report of Mr. Duncan, and from the decision of Sir John Shore, will exhibit an interesting and little known passage in the administration of British India.

In a letter addressed to Mr. Duncan, dated

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10th April, 1794, signed by twelve Indigo planters, they state—" In these provinces, owing to
 " scarcely any rain falling before the middle of
 " June, we are not enabled to begin to sow our
 " seed till that time, or a great part of our plant
 " does not become fit to cut till the ensuing year,
 " as it remains in the ground for three years,
 " and as it is to the second and third years that
 " we look chiefly for our returns. It therefore
 " becomes necessary, for the security of our
 " produce, that we should keep possession of the
 " land for the whole period."—" It would be
 " easy to shew, to your satisfaction, that were
 " this mode possible [viz. to induce the Ryots to
 " cultivate upon contract], we could have no he-
 " sitation in preferring it to cultivating the lands
 " ourselves. By it a great part of the precarious
 " nature of the business would be thrown on the
 " Ryots ; we should save the enormous expense
 " of a constant stock of plough and hackery bul-
 " locks, and along with it a large establishment
 " of utensils and servants."—" We have pre-
 " sumed to state, in our representation [addressed
 " to the Governor General], that *very great be-*
 " *nefits have accrued to the Zemindarry from our*
 " *settling in it, and particularly the mode in which*
 " *we are permitted to hold land as Ryots ; and we*
 " are fully convinced that this assertion will

“ stand the test of very rigid inquiry ; for, though
 “ it may be found that in several instances dis-
 “ putes have arisen, still we will venture to say that
 “ these have almost always happened between
 “ the planters and amils, persons whose interests
 “ are obviously opposite, or between planters
 “ themselves ; but never, in any instance, per-
 “ haps, amounting to proof of oppression, be-
 “ tween the planters and Zemindars or farmers.
 “ In short, could the unbiassed voice of the bulk
 “ of the natives be obtained, we would gladly
 “ stake our existence on its being favourable to
 “ our views.”

In his report of the 10th May, 1794, Mr.
 Duncan observes, “ At the first introduction of
 “ these speculations, by British subjects, in in-
 “ digo, there was of course less difficulty in pro-
 “ curing lands ; and yet such is what I conceive
 “ to be (from whatever causes) the degree of re-
 “ pugnance that the natives (whether amils or of
 “ the class of landholders) had to the introduction
 “ of *European influence* into their respective te-
 “ nures, that it may be doubted whether any
 “ such establishments could have taken place,
 “ had the natives in question not seen, and been
 “ even told, in more than one instance, that it
 “ was an object with Government to promote the
 “ cultivation of indigo.”—“ And that these ex-

“ pectations [viz. that waste lands would be
 “ brought into cultivation, and poor labourers
 “ find employment] have not entirely failed, but
 “ have, in some degree, been realized, at least in
 “ some few instances, may, I trust, be presumed ;
 “ insomuch that, whether from the *higher* pre-
 “ mium generally given by Europeans for hire or
 “ rent of the native landholders’ grounds, or from
 “ the personal distress of some of the latter, or
 “ prompted (as they in several instances appear
 “ to have been) by the family dissensions among
 “ joint partners in the same estates, or from
 “ whatever other causes and motives, it is certain
 “ that several amils and Zemindars, or farmers
 “ of villages, appear to have since been induced
 “ not only to let out spots of ground for tillage
 “ within their tenures, and estates, to English
 “ gentlemen, but in some instances to have of-
 “ fered and to have actually conceded to them
 “ in farm the revenue concerns and the conse-
 “ quent management of entire villages ; all which
 “ transactions of the last mentioned description
 “ I have (as will appear by the proceedings)
 “ thought it incumbent on me to declare my dis-
 “ approbation of, in conformity to the Board’s
 “ orders ; and as far as such instances have yet
 “ come before me I have not only pronounced
 “ them to be invalid, but have hitherto been

“ able to get all such bargains annulled with the
 “ consent of the parties, whom the Board will,
 “ therefore, I hope, consider by this ready ac-
 “ quiescence, to have sufficiently atoned for
 “ what may have been the irregularity of these
 “ original transfers ; and I hope to find equal
 “ facility in the correction, during the few
 “ months unelapsed of the current Fussily year
 “ of the remaining similar circumstances that
 “ may be found still to exist, and to be incon-
 “ sistent with the original intentions of Govern-
 “ ment relative to this growth and manufacture ;
 “ the *evils* that have sprung from which may per-
 “ haps be rather ascribed to the abuse than to
 “ the fair use of the original permission to culti-
 “ vate ; and may therefore still admit of amend-
 “ ment, without tearing up the institution by the
 “ roots ; an extremity that cannot now, I appre-
 “ hend, be immediately resorted to, without
 “ materially injuring, if not altogether ruining
 “ the future fortunes and prospects of a conside-
 “ rable number of individuals.”

The decision of Sir John Shore, expressing
 unqualified approbation of all that the Resident
 had done, is dated May 23, 1794. Excluding
 from its view all considerations of justice or
 policy, it is grounded on the mere existence of
 disputes respecting farms of land, for which no

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better remedy has yet been discovered than the universal disqualification of Europeans to stand in the relation of farmers! Thus: “ The disputes
“ between the planters and the amils, Zemindars
“ and Ryots, as detailed in your correspondence
“ now submitted to us, as well as the distur-
“ bances at Gazeepore, which suggested our
“ orders of the 7th of March, added to the cir-
“ cumstances stated in the third paragraph of
“ your letter, and the reasons which you have
“ assigned in the seventh paragraph for pro-
“ posing that every indigo planter shall be re-
“ quired to have at all times a vakeel in atten-
“ dance at your cutcherry, afford convincing
“ proofs of the necessity of enforcing those
“ orders equally in Benares as in Bengal.”
Thus was an incomparably greater amount of permanent good sacrificed on account of some of those temporary disputes which are inseparable from the conduct of human affairs; and an experiment crushed which, in spite of the adverse circumstances under which it had proceeded, justified the most favourable anticipations.

That English settlers in India would be found altogether unmanageable was maintained by all the Company's witnesses examined by Parliament in 1813. Warren Hastings apprehended the greatest possible evils, “ plunder,” and “ ruin to

“ the peace of the country, and to the interests
 “ of the Company,” from “ letting loose hordes”
 of Englishmen, and from “ an irruption of British
 “ adventurers into India;” yet if a few favoured
 individuals were permitted, by special license, to
 reside in the interior, he predicted still *greater*
 mischiefs than if all men indiscriminately were
 allowed to possess the same privilege. “ They
 “ would go armed with power and an influence
 “ which no man would dare to resist; and those
 “ are the men that I should apprehend more
 “ danger from than an indiscriminate rabble let
 “ loose upon the country. In opposing the at-
 “ tempts of such men every man would think
 “ that he was acting in opposition to their
 “ patron.”

The following answer, by Lord Teignmouth,
 is incontrovertible:—“ If there were an unre-
 “ strained intercourse between such persons and
 “ the natives, that is, an intercourse which could
 “ not be restrained, it would imply a defect in
 “ the superintending powers of the Government
 “ that would in fact amount to a suspension of
 “ its functions; and, in that case, an unre-
 “ strained multitude would certainly be dan-
 “ gerous in many points of view.”

Nothing more exquisite can be imagined than
 the following passage from the evidence of Mr.

Cowper, which reminds one of the debates in the cabinet of Lilliput, respecting the restraints to which Gulliver should be subjected:—"The
 " question supposes the British merchant sends
 " his agent there, and forms an establishment
 " to carry on business there; supposing he
 " should have a misunderstanding with the na-
 " tives, how far with the enactment in his hands,
 " allowing him to have free scope for his enter-
 " prize and commerce, would the magistrate
 " have the means of settling that dispute? It
 " might so happen, supposing the plan now in
 " agitation to have full effect, and to answer
 " expectation, a THOUSAND EUROPEANS might
 " be found, within a small extent of country,
 " which might outnumber, tenfold, all the force
 " the Company could bring against them in the
 " form of police, unless their police were so
 " large as would consume their whole revenue;
 " but I cannot possibly suppose such an occur-
 " rence would happen; I do not suppose such
 " an enormous influx of adventurers is likely to
 " take place; *the inconvenience of restraining*
 " *them would always be in proportion to the*
 " *numbers!*"

Sir John Malcolm said, " I am of opinion,
 " from what I have observed, that the power
 " vested in the local Governments of India, of

“ sending a British subject to Europe, and that
 “ given to a magistrate, of sending him away
 “ from a district, is *much seldomer exercised*
 “ *than it should be.* It is quite impossible that
 “ any person, educated in England, and whose
 “ breast is filled with the principles of British
 “ freedom, can dismiss those from his mind so
 “ far as to exercise, without feelings of great
 “ compunction, very absolute power, *however*
 “ *necessary such may be on the grounds of general*
 “ *policy.*”

The following passage is from the evidence of Mr. Charles Buller:—“ It has occurred to me, in
 “ two instances, in the course of two months, to
 “ recommend to Government that two gentlemen
 “ might be sent out of the district where they
 “ resided. Now these came accidentally [and
 “ *ex parte?*] before me, in my official capacity,
 “ *as I had nothing to do with the superintendence*
 “ *of those gentlemen, or with the general police of*
 “ *the country:* but, when any question arose
 “ whether they held lands directly or indirectly,
 “ such questions were always sent to the Board
 “ of Revenue to report upon, and, in these two
 “ instances, the acts of oppression committed
 “ against the Ryots were so great that I believe
 “ we suggested to Government whether it was
 “ proper *that people of that kind should be allowed*

“ *to remain in that country*; and I believe they
 “ were removed in consequence; I know they
 “ were ordered.” Of the oppression of Ryots
 by Zemindars, the public records are full. Of
 the cases of Mr. Buller’s two gentlemen, we
 know nothing; but his cursory notice of them
 affords one instance of the facility and indifference
 with which the blind and often cruel remedy of
 removal from the interior, or from India, is ap-
 plied. Doubtless the benefits derivable from the
 operations of European agriculturists cannot be
 expected from those who engage in them clan-
 destinely and are treated like poachers.

As Mr. Hastings and other witnesses predicted
 that the Englishmen, not in the service of the
 Company, who proceeded to India, would im-
 mediately turn robbers; so Mr. S. R. Lushington
 apprehended that many of the crews of private
 ships would turn pirates, and that “ the number
 “ of ships of war necessary to repress their de-
 “ predations would be so expensive as not to make
 “ the country worth possessing!” Both predic-
 tions are of equal value, and rest on equally
 solid grounds; but the circumstances in which
 the former would be put to the test have not yet
 occurred. With respect to the latter, there has
 not been one instance of piracy committed by a
 European, but, on the contrary, the resources of

native pirates have been curtailed, and the extension of commerce consequent on colonization will abate the nuisance altogether.

The substance of Sir John Malcolm's objections to colonization seems comprised in the following passages of his Political History: "We may
 " and ought to impart such improvement as will
 " promote their happiness and the general prosperity of the country; but we are bound, by
 " every obligation of faith, (and it would be a
 " principle of imperative policy, even if we had
 " given no pledge,) not to associate with our
 " improvement any measures of which the operation is likely to interfere with their interests,
 " to offend their prejudices, or to outrage their
 " cherished habits and sentiments. That colonization, on any extended scale, would have
 " this effect, *no man can doubt, who is acquainted*
 " *with the nature of the property in the soil and*
 " *the character of the population.** The different
 " rights which are involved in every field of cultivated land in India have been particularly

* Three pages further on, *this* form of begging the question is repeated: "That the colonization of some scattered English families would have this effect, [*i. e.* that they would degenerate and bring the English character into disrepute,] *no one can doubt who knows the country and its inhabitants.*"

“ noticed, and *those who have studied that subject*
 “ *will be satisfied* that, in many of our provinces,
 “ there is no room for the English proprietor.”—
 “ The danger of offence to the prejudices, usages,
 “ or religion of the native, from the settlement of
 “ British agricultural colonists, would be great,
 “ and this danger, it is to be remarked, *would*
 “ *not spring so much from the acts of the latter*
 “ *as from the apprehensions and impressions of*
 “ *the former*, who would believe any such set-
 “ tlement to be the commencement of a system
 “ for the subversion of the existing order of so-
 “ ciety. They would view the settlers as inva-
 “ ders of their rights, and no benefit they could
 “ derive from the introduction of capital, or the
 “ example of industry and enterprise, would re-
 “ concile any to such a change, except the very
 “ lowest of the labouring classes; all others
 “ would either shrink from a competition with
 “ what they would deem a higher and more
 “ favoured class, or be irritated to a spirit of
 “ personal hostility, which, in whatever way it
 “ might show itself, would be most injurious to
 “ the public interests.”

Upon this I observe, first,—the above state-
 ment does not relate to mere facts respecting
 which Sir John Malcolm’s experience may entitle
 his testimony to attention; it does not relate to

political arrangements with which his whole life has been conversant ; nor even to questions of detail respecting the military, fiscal, or judicial systems of India ; but it relates to the application of the principles of politico-economical science, with which neither his duties nor his studies have made him familiar. We have seen how much witnesses of the highest rank and reputation were deceived respecting the effect of throwing open the trade to India. They are the same witnesses who say that the introduction of European capital and skill into the agriculture of India, and a more intimate association of the natives of both countries, will not reduce but *widen* the distance which now separates the two classes of inhabitants in respect to knowledge, habits, and affections. It is further to be considered that the proposed measures, against which these witnesses testify, are restrictive of powers which they had exercised, or in the exercise of which they had participated, or expected to participate ; and there are few instances of limitations of power, of whatever description, originating with its possessor, few in which they have not been extorted, as from a reluctant and struggling adversary.

Secondly, with respect to the want of *room* in
 “ the cultivated lands, because they are occupied,
 “ and in the waste lands, because they have

“ claimants who can produce strong title to the
 “ eventual occupation of them,” it is not required
 that any native should be compelled to cede his
 land, his rights, or his claims, but that, since the
 letting and sale of land, are transactions of daily
 occurrence, natives should not be prevented from
 letting and selling to Europeans and their de-
 scendents. Paris is a crowded city, yet room can
 be found in it at any time for 30,000 English
 travellers. So in London myriads of strangers
 from all points of the compass contrive to live
 without invasion of the rights, or disturbance of
 the convenience of the original inhabitants. The
 redundant population of Ireland has never sug-
 gested the idea of a law to prevent the transfer-
 ence thither of English capital, or the settlement
 in that country of English agriculturists and
 manufacturers.

Thirdly, that foreigners should appropriate to
 their own use nine-tenths of the net produce of the
 land and labour of their country, and exclude the
 natives from all share in the government, and from
 all respectable ministerial offices, is a condition of
 things well calculated to make them look with aver-
 sion on what they must “ deem a higher and more
 “ favoured class, and be irritated to a spirit of
 “ personal hostility, which, in whatever it might
 “ shew itself, must be most injurious to the

“ public interests.” But English agriculturists and manufacturers NOT “ favoured ” by the possession of any peculiar privileges, amenable to the same courts of justice, living on the fruits of their industry, under the protection of the same laws, and subject to the payment of the same taxes as their native brethren, would diffuse a spirit of industry, improvement, and emulation, which could not but make the sources from which it flowed objects of esteem, gratitude, and attachment. This consequence is admitted by some of the opponents of colonization, who found on it a most unreasonable objection, that the natives coalescing with the colonists would aspire to be put on a footing with them in respect to civil and criminal judicatures : as if it were not desirable that the natives, like the old Irish, should eventually pray to be received within the pale of English law, and be in all things more and more assimilated to the colonists. Such assimilation implies not merely a parity of knowledge and skill, but a community of feelings, habits, prejudices, and attachments ; and would therefore be the firmest bond of union, not a cause of dissension and contest. Government complains of its weakness ; of the want of sympathy between it and the people ; of their ignorance, vice, and poverty ; of its inability to repress crime, or excite the slightest

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movement of public spirit in support of internal peace or external security. Here you have a remedy for these otherwise irremediable evils.— Here you have an inexhaustible well of moral health and national strength.

That conciliation and a tendency to assimilation *have* resulted from competition between English and native merchants, shop keepers, and artizans, living within the jurisdiction of the three Supreme Courts, Sir John Malcolm himself admits. “The mixed population,” says he, “of Calcutta, Madras, and Bombay, made up “of Europeans, Half-castes, or Anglo-Indians, “and *that part of the natives who are associated “by their ties, their interests, and their occupations “with English laws and usages, and a great pro- “portion of whom have been born and educated “under the influence and operation of these laws, “form a community as separate in habits and “sentiments from that which exists in a town or “village, as if they belonged to different nations. “There are no people so abhorrent of change as “the inhabitants of India ; and if its progress “has been so slow that it has not as yet travelled “beyond the walls of our chief settlements, we may “judge of the period which must elapse before “we can expect to see complete success crown “our efforts for the improvement of our subjects*

“ in what *we* deem the blessings of civilization, but
 “ which are viewed by those whom we desire to
 “ adopt them as innovations on their cherished
 “ habits, and the religion of their forefathers.
 “ The difference between our capitals and their
 “ surrounding districts is not greater than that
 “ which exists between the countries that have
 “ been long in our possession and those we have
 “ recently acquired. The various provinces
 “ which form our wide empire may not unaptly
 “ be compared, as far as relates to their know-
 “ ledge of the principles of our rule, our cha-
 “ racter, and our institutions, to a family of
 “ children from the mature man to the infant.”
 Now, if the degree of assimilation which prevails
 at the capitals does not obtain elsewhere, it is
 plainly because the causes which have produced
 it do not exist in the same abundance and strength
 beyond those limits. It is absurd to suppose
 that the degree of change here spoken of has
 travelled so slowly that it has taken a hundred
 years to advance from the centre to the circum-
 ference of each of our three principal settlements,
 and would proceed at the same pace to the ex-
 tremities of our empire. On the contrary, it has
 been generated by peculiar circumstances, in a
 moderate space of time, within certain limits,
 and its extension has been arrested by coming in

contact with very different circumstances. Its expansion has been prevented by the interposition of non-conducting substances. Beyond the jurisdiction of the Supreme Courts the natives are *not* “ associated by their ties, their interests, and “ their occupations, with English laws and “ usages, nor born and educated under the influence of those laws.” But let the obstacles to colonization be removed, and that association will not only take place throughout the provinces, but become much more intimate and cordial. Connexions would subsist not merely during the best years of the lives of individuals of the two races, but be transmitted from fathers to sons. The natives would then “ see the grey hairs of “ Englishmen,” whose sons would inherit their fathers’ zeal for the welfare of their common country, and who, as agricultural colonists, would have the means of rendering it much more valuable services than can be derived from the operations of merchants temporarily resident under licenses. “ The civil and military officers,” Sir John Malcolm further observes, “ are, from their “ stations and duties, too distant from the population to be copied ; but in the merchant with “ whom he deals or competes, and the mechanic “ for whom he labours, or whom he tries to “ rival, our Indian subjects view classes to which

“ they are near ; and, notwithstanding the inveteracy of habits, many may unconsciously become imitators of customs which time may satisfy them are preferable to their own.” Yet he contends that if the sphere of this intercourse were to be extended, if the inhabitants of the interior were to be permitted to benefit by similar models, if objects of rivalry in other departments of industry were to be presented to their notice, they would cease to admire and copy, but stand aloof in sullen malignity. As far as the experiment has been tried, we have found thankfulness, docility, and a tendency to assimilation : if you urge it farther he says you will find repugnance, ingratitude, and hostility.

Fourthly, if we would relieve Sir John Malcolm from the imputation of this inconsistency, we are driven to question the sincerity of his belief, that unlimited intercourse with Europeans would really be injurious to the interests and happiness of *the natives*. In saying that “ we ought to impart *such* improvement as will promote their happiness, and the general prosperity of the country,” was he influenced by no other consideration than a regard to *their* welfare ? Or was he biassed by an apprehension that colonization might lead to an advancement in knowledge which might be eventually incom-

patible with British supremacy? The following passages from his evidence, in 1813, will throw light upon the subject, and assist the reader in drawing his own conclusions.

“ Do you think that the advance of the natives
 “ of India in every branch of useful knowledge
 “ will be in proportion to the means and exam-
 “ ples which we may afford them, by the resi-
 “ dence of such persons as have been described
 “ in India? I certainly do conceive that their
 “ advance in every branch of useful knowledge
 “ will be in proportion to the examples and in-
 “ struction they receive: I mean, by useful know-
 “ ledge, an improvement in mechanical arts, and
 “ every thing that tends to render them more
 “ happy and comfortable.

“ Do not you think that it would be good po-
 “ licy in the British Government to increase the
 “ means of information to the natives of India;
 “ information such as you have described? I
 “ consider that in a state of so extraordinary a
 “ nature as British India, *the first consideration*
 “ *of the Government must always be its own safety;*
 “ *and that the political question of governing that*
 “ *country must be paramount to all other conside-*
 “ *rations. Under that view of the case, I conceive*
 “ *every subordinate measure (and such I conceive*
 “ *that referred to in the question) must be regu-*

“ *lated entirely by the superior consideration of*
 “ *political security.*

“ Might not an increase in the knowledge of
 “ useful arts in the natives, conveyed by British
 “ subjects resident in India, tend to strengthen
 “ the British Government in India? I conceive
 “ that such knowledge might tend, in a considerable
 “ degree, to increase their own comforts
 “ and their enjoyments of life; *but I cannot see*
 “ *how it would tend, in any shape, to strengthen the*
 “ *political security of the British Government in*
 “ *India, which appears to me to rest peculiarly on*
 “ *their PRESENT condition.*

“ State your opinion by what means an attachment
 “ to the British Government in India might
 “ be promoted in the minds of the natives of
 “ India? By *continuing* to govern them with
 “ mildness, moderation, and justice.”

“ Taking as his postulate that it would be impo-
 litic to colonize India, “ that great country,” says
 Sir John Malcolm, “ might be treated [by minis-
 “ ters] as a colony, without having those defences
 “ against misgovernment which colonies in gene-
 “ ral possess. The West Indies, besides their
 “ local colonial assemblies, have an embodied
 “ interest, which is strong in parliament, and can
 “ advocate their rights whenever these are as-
 “ sailed; but we can look to no period when

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“ there can be any representation of the natives
“ of India. On the contrary, we may look to
“ associated interests against them, particularly
“ when a system is adopted that will make every
“ question connected with that country second-
“ dary to numerous other considerations.” We
have seen the reasons which he assigns for thinking that the defences against misgovernment, which Canada and the West Indies enjoy, cannot be possessed by, that is, ought not to be afforded to, India. We have seen also the compensation which he provides: namely—the protection of the Company, whose invariable purpose has been to resist every relaxation of their own monopoly of its trade and government; and thereby to oppose effectual impediments to the developement of its resources. It is no consolation to be an object of primary consideration with a body whose very constitution is irreconcilably hostile to the interests of its client. Inadequate and far between as have been the interpositions of the British legislature, they have never been accorded without administering some essential correctives of inherent vices, some germs of amelioration, some grounds of hope that at last a system of encouragement will be substituted for one of restriction.

There was a time when Sir John Malcolm

thought more favourably of the policy (he has never denied the practicability) of colonizing India. In the first edition of his Political History he wrote as follows :—“ *Colonization seems one of the most likely means by which knowledge of the Christian religion and civilization may be hereafter disseminated throughout India*; but that appears to be so much dreaded from the political consequences with which it is thought likely to be attended, that a long period must elapse before its operation can be seen. It is not meant to discuss the policy of this question. The example of America, by which it is often tried, cannot, it is presumed, be a correct criterion for deciding it: but there is no doubt great force in many of the reasons which have led the legislature to adopt every measure which was calculated to discourage the settlement of Europeans in India.”—“ In introducing civilization, by the promulgation of knowledge, the cultivation of the liberal arts, and by the construction of such public works as are necessary to the real and essential improvement of our eastern territories, we shall find an occupation worthy of a great nation, and calculated to establish our power over India on the firmest basis. The arts of peace cannot be carried too far. On the natives of India

“ acquiring a love for these depends, in no slight degree, the future tranquillity of that country.” It is true the passage contains no indications of a generous and ardent desire to *communicate* the blessings of religion and civilization, and to hasten the arrival of a period when the legislature should seriously and in good faith enter on “ an occupation worthy of a great nation.” When examined with the light reflected on it by subsequent modifications of the author’s opinions, it appears that he was not even *then* prepared to support a doctrine so portentous in the eyes of Directors, and perhaps of other men in high stations, as that the obstacles to colonization ought at once to be removed. The good work might be postponed to a more convenient season. “ Hereafter” there might come a day when we might address ourselves to so important an undertaking. He “ did not mean to discuss the “ policy of the question;” that is, he would make no effort to refute objections, (except that one hint about America not being a correct criterion,) and to press the immediate abolition of restrictions on the means of disseminating knowledge; and “ no doubt there was much force in “ many of the reasons” for resisting such abolition. Two years later, at the bar of the House of Commons, he avowed that, though the im-

provement of the natives would certainly be in proportion to the examples and instruction set before them, yet the safety of our Government depended on retaining them in their *present* condition, and every other consideration was subordinate to the obligation of providing for our own political security. And, at last, when he had ascended still higher in the scale of rank, and had a prospect of being more than ever identified with the Government of India, he justifies withholding the means of information by a solicitude for the welfare of the natives themselves!

If the fruits of colonial policy be, as I have endeavoured to show, peace and prosperity, we may wait with cheerful confidence their gradual developement, be it quick or slow. All will then be the gift of time. But, if we adhere to the anti-colonial regimen, time will bring with it nothing but an anxious state of vigilance on our part, and on that of the natives continually recurring longings for emancipation, and schemes for combined revolt. Under that system all attempts to force improvement must necessarily end in disappointment. What has been the fate of the Agricultural Society of Bengal?* Where are the volumes of its Transactions? What are

* See Colonial Policy, p. 220, note.

the changes which it has introduced into the modes and implements of husbandry, the articles of cultivation, the live stock, and the tenures of India? What zeal has it stimulated, what invention rewarded? It has done none of these things. It never had any of the means or qualifications requisite for the accomplishment of such things. Between the society and the agriculture of India there was a vast gulph which they manifested no signs of a desire to pass. It could not be said of them—

*Stabant orantes primi transmittere cursum,
Tendebantque manus, ripæ ulterioris amore.*

They have since reduced their title to a nearer conformity with their powers, being designated “The *Horticultural* and Agricultural Society.” They are not interdicted from singing “What beauties does Flora disclose!” They patronize the culture of flowers, fruit-trees, and culinary vegetables. They weigh cabbages in the balance; they measure the circumference of cauliflowers; they take the gauge and dimensions of carrots and turnips.

In like manner, in 1825, an Apprenticing Society was instituted, with an apparatus of Patron, President, Vice-Presidents, and Committee of Management. Their business was to

overcome the repugnance which, from prejudice and false pride, half-casts were supposed to entertain against any description of manual labour except that of copyists and accountants; and, for that purpose, to give to master tradesmen other inducements to taking apprentices than those supplied by the existing demand for the objects of their several trades. It was certain, however, that all sober tradesmen would regulate their proceedings in that respect exclusively by calculations founded on the increasing, stationary, or decreasing nature of their trades, and by the comparative qualities and expense of different descriptions of workmen. It was at the same time highly probable that the pride of half-casts would easily be subdued by the pressure of poverty and the prospect of independence, provided an effectual demand existed or could be created for their services. To this last point the society directed none of its attention or influence. It took no notice of the laws which incapacitate Europeans from enlarging the demand for labourers and artificers of every description. Accordingly, with the exception of one or two of their members, whose wants happened to coincide with the recommendations of the society, they have found no masters willing to burden themselves with a superfluous apprentice, and

have nearly restricted their operations to the establishment of a marine school, by the hire of a ship, wherein a number of boys are fed and clothed at the expense of the society. Such a project had been started some years ago, but it has owed its execution to the failure of a different and more comprehensive scheme; and, though its objects might, perhaps, be attainable by a less expensive process, it is likely to be productive of considerable utility. Whether the contributors will long continue to be satisfied that the advantage compensates for the expense is doubtful.

CHAPTER VI.

ON THE FREEDOM OF THE PRESS IN INDIA.

As the exclusion of British subjects from the right of holding land in India is maintained on different grounds from those on which it was originally decreed, so the arbitrary control exercised over the Indian press results from the application of a prerogative granted for a different purpose. In both cases Government has been silently and accidentally put in possession of powers of which it cannot be divested without a protracted struggle and reiterated appeals to public opinion : and there is so intimate a connexion between the rights claimed in each case that they will probably both be conceded at the same moment.

It is usual with the Attorney-General and with judges to introduce their censure of the particular libel by expatiating on the advantages of the

liberty of the press in general. In like manner, Sir John Malcolm, the most strenuous opponent of a free press in India, affects great zeal for giving publicity *in England* to papers regarding the administration of the Indian Government. "No good government," he says, "can wish for mystery or concealment; such can be desirable only as veils to weakness and mismanagement. *There never was a state to which publicity is calculated to be of more benefit, both as a check and as an encouragement to those by whom it is administered, than that we have established for India.*" There is nothing in these unqualified propositions, nor in the immediate context, to limit their application to publications in England, so that they stand in manifest contradiction to his endeavours to prove that, *in India*, mystery and concealment may be subservient to good government, and are even indispensable to its safety. The most despotic Governments of Europe never could prevent animadversions on their proceedings from being published in foreign countries, and are satisfied if they prevent such things from being printed and published within their territories. Before exposure and comment can come from a distance the position of individuals may be materially changed, and the public attention is occupied

with the occurrences of the day. So it is with respect to the publicity which Sir John Malcolm would allow for India. As a check it would be utterly inefficient, for the measures animadverted upon would long ago have been executed, and the functionaries concerned would feel that they were subject to no check but that of official responsibility, however desirous they might be of receiving light from other quarters. Even as an encouragement, the effect of remote, tardy, and partial publicity, which may come when a man is "old, and cannot enjoy it,—solitary, and cannot impart it," must be feeble compared with the animation of contemporaneous applause.

Though a free press never for a moment existed in India since the local Governments were armed with the power of deportation, by the act of 1793, yet, at different times, before the imposition and since the discontinuance of a censorship at Calcutta, individual editors of newspapers have ventured, at their own peril, and to their own ruin, to try how far they might give publicity to facts and opinions respecting public affairs and public men. That any evil of a peculiar and local nature ever resulted from such attempts we have no evidence whatever, nor the slightest grounds of presumption for believing. Of the great disorders produced by conflicting

laws and jurisdictions, in 1780 for instance, we have incontestible proof, but of the “ serious “ evil ” which Sir John Malcolm supposes to have been occasioned by the circulation of Hickey’s Bengal Gazette, he cannot produce one instance. On the other hand, it cannot be doubted that the files of that paper must throw singular light on the nature of the contentions which then agitated the public mind, and the character of the men who then held the highest stations ; nor without access to such documents can a just view of that period ever be obtained. It may be that “ it was directed against the reputation and authority of Government,” but it could detract nothing which really belonged to either ; whereas, against the encroachments of the Supreme Court, Government, says Sir John Malcolm, “ was compelled to seek, and it found “ some safety in conciliating the support of the “ Chief Justice, without which it must either “ have perished, or have been forced upon the “ most extreme and arbitrary acts to maintain its “ existence.” In this statement there is both inaccuracy and exaggeration. Government had adopted the extreme measure of taking captive the sheriff’s party of sixty armed men, who had marched for the purpose of executing a writ of *capias* against the Rajah of Cossijurah, which he

avoided by absconding; and had promulgated orders giving effectual protection to all Zemindars, Chowdries, and Talookdars, *before* the proposition was made by Mr. Hastings for conciliating Sir Elijah Impey, by appointing him Superintendent of the Sudder Dewanny Adawlut, with a salary of 60,000 rupees. Petitions had also been transmitted to England, which immediately procured the enactment of 21 Geo. III. c. 65. There was no danger, therefore, of Government “perishing;” nor could the moderate measures resorted to for averting the greatest calamities be deemed “arbitrary.” Every government possesses powers requisite for its own preservation and for the abatement of actual (not constructive) encroachments and obstructions; but from the want of such justifying exigencies, the general control exercised over the press, and the several instances of transportation of the person and ruin of the property of editors, are justly chargeable with being arbitrary and oppressive.

In 1818, the nascent efforts at the use of the press, by persons who, not being British born, were not liable to be transported at the will of the Governor General, nor under any obligation to pay obedience to the orders of the censor, compelled Lord Hastings to discontinue the cen-

sorship. A mode of coercion applicable to both half-cast and British editors had not then been devised ; the pretensions of the former were not yet sufficiently formidable to suggest the enactment of a licensing regulation, while the terrors of transmission, which there was no disposition to relinquish, afforded abundant means of restraining the latter. The condition of editors was now changed from one of perfect security to one of hazard and peril, in proportion to the credit which each might be disposed to give the Governor General for sentiments of toleration and magnanimity. But little misapprehension could have occurred on this subject, if Lord Hastings himself had not delivered a reply to an address from the inhabitants of Madras, complimenting him on his abolition of all restrictions on the press, which it is impossible to construe otherwise than as accepting the “ laudatory language” in the sense in which it was given, and referring to the possession, by the inhabitants of Calcutta, of the *same* freedom of discussion which had enabled our beloved country to triumph in its awful contest with tyrant-ridden France. It is impossible to give to that speech any other construction than that of a virtual repeal of and solemn pledge never to enforce extra-judicial restrictions. It does not contain an

observation, sentiment, or expression consistent with the retention of such restrictions. There is no ambiguity in its phraseology which might be suspected to cover a deceitful reservation, nor was there any middle course to which terms of vague and equivocal import could be adapted. It could not be supposed that the inhabitants of Madras would congratulate him on the wisdom and magnanimity he had displayed in liberating the press, if they had believed it to be still subject to a more oppressive mode of restriction than that which had been abolished ; nor that Lord Hastings could sanction the impressions which had dictated the address, and vie with them in glowing descriptions of the beneficial influence of freedom of discussion, if he did not then consider himself divested of all power to sit as accuser and judge in a Court of Star Chamber, and editors to be exclusively amenable to the jurisdiction of the Supreme Court. If Lord Hastings did *not* mean, to surrender the power of coercing the press, he was distinctly called on to correct the error into which the addressers had fallen, and to say what he could in vindication of the policy of maintaining that power with undiminished rigour. Nevertheless, Sir John Malcolm is pleased to say that those who understood the speech, in the sense which I have

ascribed to it, "*altogether misrepresented*" it! He contents himself with that flat assertion, making no attempt to show wherein the imputed misinterpretation consists; and it is for the world to judge whether they will adopt *his* interpretation, or consider it as one of the most extraordinary instances on record of the degree in which the judgement may be eclipsed by extrinsic considerations.

We have an equally striking example of the perverting force of this influence, in his account of the transmission of Mr. Fair for an alleged inaccuracy in reporting a speech of Sir Charles Chambers. It is as follows:—"The quarter
 " from which this appeal was made to the Civil
 " Government, unless we impugn the conduct
 " of the judge who made it, must carry with it
 " irresistible evidence of the necessity of that
 " authority whose aid was solicited; and, with
 " respect to the extreme resorted to, in affording
 " this aid, there is one unanswerable plea to be
 " preferred, which is, that a Government, so
 " situated, cannot suffer the commands it has
 " issued to be successfully opposed by an indi-
 " vidual, without a loss of that impression of its
 " power which is quite essential to the fulfilment
 " of its various and important duties." He takes it for granted that the conduct of Sir

Charles Chambers, in requiring an editor to be transported from Bombay to England (*by way of China!*)*) and ruined, for an alleged inaccuracy in reporting his speech, cannot or ought not to be impugned; and thus we have “irresistible” evidence that the speech *was* incorrectly reported, and that there was a “necessity” for Mr. Elphinstone complying with his desire that the mistake should be visited with so disproportionate a punishment. Among the most memorable cases of arbitrary inflictions for constructive contempts of courts of justice, or of the Houses of Parliament, there is nothing which equals the atrocity of this; yet, according to Sir John Malcolm, the mere “quarter” from which it proceeded, while he suppresses the name of the judge, carries with it irresistible evidence of its justice and necessity! It is enough that the complainant was “one of his Majesty’s judges,” and the transmitter “the Governor in Council.”—“Robes “ and furred gowns, hide all.” The slightest punishment by fine or imprisonment would have far exceeded the supposed fault of Mr. Fair, if it could have been substantiated; but the heaviest punishment in those forms, which he had him-

* There being no *Company’s* ship bound *direct* to England, it was not lawful to shorten his voyage!

self the power of awarding, did not satisfy Sir Charles Chambers; he required that his victim should be banished ten thousand miles from the scene of his occupation. And then a British Governor cannot suffer the commands he has issued to be successfully opposed by an individual, however violent and unjust those commands may be, without weakening a salutary impression of his power. This is "an unanswerable plea," and so it might be thought at Constantinople for the extremes there resorted to in affording aid to authority. This reasoning is in the highest strain of that "oriental tyranny" which it is, or ought to be, our highest boast "to have destroyed."* It confounds political power, as it is displayed in war and negotiation, which is possessed in the highest degree by the most civilized nations, with that disregard of life and property which is peculiar to barbarous governments. It expresses sentiments which no English writer would venture to avow, and involves an aberration from the plainest principles of natural justice and sound policy into which he could not be betrayed, were not the statute-

* Sir J. Malcolm's *Observations on the Disturbances in the Madras army*, Preface.

book stained with the enactment which gives to Governors in India the arbitrary power of deporting their countrymen from India to England.

In a similar strain is the following passage from his speech in the Court of Proprietors :—" It " has been said, and it has been repeated to-day, " that your empire in India is one of opinion. " It is so : but it is not an opinion of your right " but of your power. The inhabitants of India " see that, limited by law and regulations, and " the spectacle increases their confidence ; but " shew them the person who exercises an autho- " rity they deem supreme, braved and defeated " by those under him, and the impression which " creates the charm will be broken." If the charm were of so frail a nature it must have been broken long ago, or rather must have been broken and renewed a thousand times ; for the inhabitants of India *have* often seen the local governments distracted by faction, braved by civil and military insubordination, and overruled by a distant and unknown power. They have seen double negotiations conducted, and contradictory treaties concluded by King's Commissioners, and by the different Presidencies. They have seen authority so divided between the British and native Government, that " the native grew uncertain where

“ his obedience was due.”* They saw Lord Pigot deposed, imprisoned, and die in confinement ; the defeats and victories of Warren Hastings, in his contests with the members of his council, and with the Judges of the Supreme Court ; and various mutinies, both among the European officers and Sepoys, of the Bengal and Madras armies. The charm to which the British owe the origin, advancement, and duration of their power, and the awe which it inspires, is manifestly the superiority of disciplined, well armed, and well paid troops, over an undisciplined, ill armed, and ill paid rabble. Other causes, resulting from superiority in knowledge and art, have, doubtless, contributed to their influence.

The argument derived from the supposed fragility of the charm, and from the ambiguity in the word “ power,” is not only unfounded in fact, but inapplicable to the question, inasmuch as editors of newspapers, and other publishers, are not persons “ *under* a governor.” They are not in the exercise of official duties, nor capable of giving offence by erroneous, negligent, corrupt, or contumacious conduct. If subordinate functionaries obstruct

public business by such misconduct, the consequences, wherever the fault lie, may be highly inconvenient; but if a Governor goes out of his way to attack a private individual, if all his grandeur availeth him nothing, so long as he sees Mordecai the Jew sitting at the king's gate,—if he would employ force to destroy the fortune and banish the person of an innocent man, it is fit that he should be defeated. But if there were not a fatal snare in the law, no Governor would commit himself in so odious a conflict, and then the inhabitants of India would be spared the sight of his unseemly defeat, or the still more shameful spectacle of his success.

Except in India, the press is free wherever a British Government exists:—in Ireland, while every other restriction was heaped on that oppressed country;—in Canada, where the mass of the inhabitants inherited the religion and laws of France;—in the West Indies, where nine-tenths of the population are slaves;—in New South Wales, where a great proportion of it consists of convicts, or of those who by time or pardon have become emancipated. More plausible objections might have been raised against its introduction into all those countries than into India. With respect to the two extremes, Ireland and the West Indies, it might have been said that, in the former, the

inhabitants were too intelligent, and too nearly on an equality with other British subjects, to be trusted with the use such powerful means, as a free press would be in their hands, of reclaiming the few privileges from which they were excluded : and that, in the latter, the vast majority of the inhabitants were depressed and degraded by so many and so severe disabilities, that no discussion of them could be permitted, with safety, to the ruling minority. In India the natives occupy a middle position, equally removed from the intelligence and immunities of the Irish, and from the ignorance and servitude of the negroes. But because the English residents in India are not strong enough to extort the repeal of an arbitrary prerogative, it is pretended that the good of India “ needs a mixture of some principles *happily* “ uncongenial to England,”* though such mixture may have been found too congenial to the ideas and tempers of English magistrates and statesmen until controlled by law.

The tendency of unrestrained discussion is to attach the people to a system of government, under which they enjoy so reasonable and agreeable a mode of making known their grievances, of ex-

haling their discontent, of appealing to the sympathies of their fellow subjects, and to the wisdom and generosity of their rulers. It also affords to Government the advantage, which by no other means can be obtained, of ascertaining the opinions and feelings which are from time to time prevalent in the country, without which knowledge the grounds of its proceedings must always be defective, and may sometimes be irretrievably erroneous. Compared with the clear and comprehensive view which is thus obtained of the state of popular feeling, the information which can be drawn from spies is worse than useless: they misrepresent and exaggerate the little that they discover, and afford delusive hopes of the general predominance of tranquillity, satisfaction, and allegiance. It appears, however, to Sir John Malcolm, that “ we could
“ give the Brahmins, and others of the instructed
“ classes of India, no weapon which they would
“ know better how to use against us than a free
“ press. Their efforts would be chiefly directed
“ to corrupt our native soldiery, who are neither
“ insensible to their own consequence, nor inob-
“ servant of the depressed scale on which they
“ serve:” and he mentions “ inflammatory
“ papers in the form of proclamations, letters,
“ and prophecies, directed to the subversion of

“ the British power,” of which “ there has been,
“ for the last thirty-five years, a most active cir-
“ culation :” but, from “ the difficulty of multi-
“ plying copies, and the fear of detection, con-
“ fined to particular parts of the country,” as
“ an earnest of the dangers to be apprehended
“ from the *printed tracts and papers which might*
“ *be expected from a free press.*”

If such papers are circulated they are unaccompanied by any calculated to counteract their evil qualities ; but they could not be printed, under the freedom that is contended for, without greater liability to detection and punishment, and without being infinitely outnumbered by publications of an opposite tendency. It is without example in any age or country that plans to subvert a government should be carried on through the medium of the press. The productions of the press are invariably directed against specific abuses in the administration, or in the frame of the Government ; they address themselves openly to the understanding, interests, and passions of the whole nation, and succeed or fail in proportion to the number and weight of the persons whose minds they influence. But conspiracies are begotten and nourished in secrecy, and managed by instruments and methods altogether different. Conspirators communicate by

means of messengers and cyphers, and use the utmost circumspection in selecting those to whom they may think it prudent to disclose their purposes. But, according to Sir John Malcolm, a free native press “ could only be used towards “ one object—that of our destruction.” The papers now secretly circulated “ depict the English as usurpers of low caste, and as tyrants “ who have sought India with no view but that “ of degrading the inhabitants, and of robbing “ them of their wealth, while they seek to subvert their usages and their religion.” The native soldiery are always appealed to, and the advice to them is, in all instances he has met with, the same—“ Your European tyrants are “ few in number,—murder them !” A free press, he insists, would afford greater, nay unbounded, facilities for the dissemination of such sentiments and the furtherance of such projects ; as if imprisonment for libel, and even transportation, were things unheard of and unknown to the law of England. And all the circumstances which generate the matter of sedition, which occasion the active circulation and greedy reception of these libels, and enable them to “ keep up a “ spirit which places us always in danger,”—all those perilous circumstances he would carefully preserve in their present condition. That the

English should continue to stand in those relations towards the natives which give colour and verisimilitude to their being represented as “low caste usurpers, and as tyrants who seek India with no view but that of degrading the inhabitants, and of robbing them of their wealth,” is a policy which, however contrary to reason and experience, he justifies, by reference to the indescribable and inconceivable peculiarity of those ties by which we hold India, the true character of which it is given only to a few chosen vessels to understand : and that the native soldiery should never cease to be accessible to such seditious incitements, but be retained for ever in their present state of depression, is also a doctrine which he maintains by the same compendious argument. All his care is to feed the disease and to exclude the antidote.

If papers of the tenour described abound, they will, no doubt, be dispersed most profusely when disaster has befallen, or seems impending, “from the occurrence of misfortune to our arms, from rebellion in our provinces, or from mutiny in our troops.” It has been well observed that, in arbitrary governments, where no intercourse subsists between the executive power and the people, where the latter have no insight into the proceedings of the state, but are left to

“ judge, merely from the event, how far they
“ might have been wisely designed or honestly
“ conducted, it is not surprising that they should
“ consider every failure as a crime, and demand
“ a victim for every disaster. But in free and
“ enlightened states, where the people go, as it
“ were, hand in hand with their representatives,
“ and their representatives with the ministers,
“ through every stage of a proceeding, they cer-
“ tainly do not wait for the event before they
“ stamp it with their approbation ; and certainly
“ do not insist upon punishing those who had
“ the conduct of an expedition, while they can
“ assign reasons to themselves in exculpation of
“ a failure.”* Until the materials for constitu-
ting a representative government in India exist,
the unfettered working of the press would afford
a medium for maintaining a highly useful inter-
course between the executive power and the peo-
ple, whence they could obtain an insight into the
proceedings of the state, and be enabled to go
hand in hand with those who administer the go-
vernment through all the stages of their measures.
To that instrument peculiarly belong those ani-
mating and healing properties which invigorate

and adorn prosperity, while they supply fortitude and consolation in adversity.

I have argued this point on the supposition that papers instigating to rebellion and massacre *are* secretly circulated *to the extent asserted*, and endeavoured to show that they afford no foundation for the inferences deduced. But the reader will, perhaps, agree with me in requiring further evidence in support of the facts, when he considers that, of the many Englishmen who have had equal opportunities of observation during so many years, not one had the fortune or dexterity to discover this incessant secret warfare, except Sir John Malcolm ; and that *he* never divulged it till 1824, though he had paid particular attention to it during *twenty-five* years, that is, since 1799. Even when examined by the House of Commons, in 1813, when it must have been an object of his particular attention for *fourteen* years, he not only did not say that he considered the *Brahmins*, and other educated *Hindoos*, to be actuated by the most hostile feelings, and eager to seize every opportunity to spread discontent and excite rebellion, but he said nearly the reverse, *viz.* “ I “ certainly conceive that the attachment of the “ HINDOO population is the chief source of our “ security in India.” So far was he from professing to have been, during fourteen years, an

attentive observer of what had escaped the search of every other person ;—so far was he from pretending to have had access to peculiar sources of information, and to have penetrated into the most secret recesses of Hindoo machinations against British authority, that he said :—“ There is, even
“ among Europeans in India *the best acquainted*
“ with their language and manners, so little of
“ that intimate intercourse with the body of the
“ natives, which could alone lead to a precise
“ knowledge of their real sentiments upon points
“ of government, that it is very difficult for any
“ person to say more than that they are apparently
“ contented, because they remain quiet ;
“ and that the leniency of the rule, and the general
“ system of our administration is such as should
“ place us high in the scale of the governments
“ to which they have been accustomed, and with
“ which they can draw any comparison. Do
“ you think, or not, that the majority of the Hindoo
“ population are contented with the British sway
“ at present ? I have answered that question, as
“ far as I am able, in what I stated above : they
“ appear to be so.”*

* Colonel (now Sir Thomas) Munro's answer to a similar question was as follows :—“ Do you not think that the whole

In order to render a writer capable of usefully advocating the interests of the natives, Sir John Malcolm requires a list of qualifications, which, he declares, can never meet in an English editor. “ It is sufficiently *obvious*,” he says, “ that such “ benefits [*i. e.* giving utterance to complaints, “ and checking the abuse of power] could alone “ result, where those that conducted the press “ had *complete* information and *perfect* know- “ ledge of the languages, the manners, the cha- “ racter, and concerns of the people ; where, in “ short, all their feelings were congenial with “ those of the society of which they were the “ advocates.” Besides that an editor is not the sole author of all the paragraphs and letters that appear in his paper, it may be observed, that such rare qualities as are held to be indispensable in one who undertakes to narrate passing events, and to record and comment on public

“ population of India, under the British sway, is at present “ submissive and apparently contented ?—I think the great “ mass of the population is certainly both submissive and con- “ tented, both apparently and in reality ; but there are many “ chiefs and men of rank who held situations under the old “ Government who cannot be expected to remain contented “ under any European Government by which they are them- “ selves excluded from all high situations.”

affairs, have never been united in those who have been charged with the highest functions of Government. It is needless to say, it is indeed "obvious" that there are means of ameliorating the moral and physical condition of the natives, and modes of deteriorating it, and of injuring individuals, which a man may well comprehend without being a ripe Hindoostanee scholar, and thoroughly grounded in Arabic roots. It is no less true that English indigo planters, merchants, and tradesmen, have much more favourable opportunities of acquiring an intimate knowledge of the character and concerns of the natives than is possessed by the servants of Government. But it is not so easy to understand how their fitness would be improved if "all their feelings were congenial with those of the society of which they were the advocates," for that would imply a participation in all the prejudices and ignorances of which it would be their special duty to promote the correction and removal.

"With regard to native editors," he says, "we cannot expect them to exercise such a privilege within limits that could be tolerated by a government whose power is at variance with those principles of national independence and freedom which it would be their duty, if worthy of the task they undertook, to disseminate

“ among their countrymen.” If really worthy to be guides and instructors to their countrymen, if acquainted with their true interests, and with the history of their own country, they would never disseminate principles which might not be safely tolerated by the British Government, whose power is not at variance with, but will gain strength from the gradual communication of every attribute of freedom of which the natives shall appear susceptible. The grant of a free press would not suddenly impart the desire and power of asserting pretensions inconsistent with the foundations of British ascendancy; it would only promote, accompany, and *manifest* the development of pretensions, which it would be the duty and interest of Government to satisfy, by equitable modifications of its laws and institutions. The advancement of the native press would doubtless be slow. At first, and for a long time, its efforts would exhibit those indications of modesty and imbecility by which they are now characterized.* Ac-

* For the indifference with which the natives would regard the privilege, we have the authority of Mr. Elphinstone:—
“ At present, nobody would take a part or an interest, in political discussions, but the Europeans, of whom more than nine-tenths compose the strength of the army.”—Letter, dated August 14th, 1823.

according to Sir John Malcom himself, “ a very
“ long period must elapse before freedom of dis-
“ cussion and action is naturalized in a land to
“ which its very name is hitherto unknown.” A
long time it might be under the concurrence of the
most favourable circumstances: but does he in-
tend the sun should ever that morrow see? Under
the “ improvement” which, he thinks, we may
“ and ought to impart” to them, does he con-
template the acquisition of a capacity for free
discussion by the latest generation? No; “ we
“ may change the character of the natives of In-
“ dia, in the course of time, *but we never can change*
“ *the character of our Government over that coun-*
“ *try.*” He is lavish in professions of seeking “ the
“ accomplishment of just and liberal views by the
“ institution and maintenance of well regulated
“ colleges and schools, and the circulation of good
“ and useful compositions;” but by justice and li-
berality he means the denial of all effectual means
of improving the character of the natives, their
everlasting retention in a state of incapacity and
exclusion from all offices of power, honour, and
emolument,* and our perpetual exposure to the
dangers with which so unnatural a system is
pregnant.

The non-existence of Englishmen in India,

not in the service of Government, except those “ who reside there for a period by license,” liable to be cancelled at the pleasure of Government, is strangely assumed as an insuperable bar to the concession of a free press. It is said to be incompatible with “ *a society so constituted*,” where “ there is not an individual ” whose reflections on public measures may not be confuted by his instant transmission to England. But the alleged ground of incompatibility would be at once removed by the repeal of the prerogative on which the power of coercing the press by censorship, license, or deportation, entirely depends. That prerogative is the only sign, as far as British subjects are concerned, of the supposed “ *absolute* power,” by which some pretend that India is, and ought to be, governed, at the same time that they magnify the multitude and excellence of the checks, under which power is there exercised. The efficiency of the checks which do exist is of no avail to the protection of Englishmen, if they are left mortally vulnerable in a single point. But the very existence of so many checks, and the narrow field that is left to the wantonness of arbitrary power, prove that the Government is *not* absolute, but that there is a higher authority which sets bounds to its discretion and

which will not long permit the continuance of a power in the highest degree injurious to the public interests, and derogatory to the national honour.

CHAPTER VII.

ON THE CONVERSION OF THE NATIVES OF
INDIA TO CHRISTIANITY.

THE extreme jealousy of the inhabitants of India respecting the interference with their religious sentiments and usages, and their readiness to resent affronts offered to them as attacks on their point of honour, constitute a source of danger to our power against which we cannot always find security in the most careful abstinence from every cause of offence. To excite the spirit of bigotry, and array multitudes under the standards and emblems of their faith, it is not necessary that any particular offence should have been intended on our part, or imagined on theirs; it is sufficient that the moment for revolt should appear favourable, and that adverse circumstances should give a beginning to sedition. Whatever may have originated the impulse, an appeal to reli-

gious feelings would never fail to animate their zeal and unite their efforts.

Under the present anti-colonial system the means of diluting the quality, and reducing the quantity of this explosive combination, by the intermixture of a due proportion of native Christians, are not only insufficient, but the timidity of Government leads it so carefully to avoid whatever could be construed into disapprobation of the superstitious rites of the Hindoos, and encouragement of their conversion to Christianity, that the idea may naturally occur to them that they are virtually excluded from the religion as well as from the other advantages appropriated to Europeans; and even that the British Government, holding with them (whatever missionaries may say) that a man's religion should be determined by his birth, considers native converts as apostates, unworthy of admission into the inferior offices to which other natives are eligible. The practical exclusion of native Christians from all situations of trust or responsibility is adduced by Sir John Malcolm, in the first edition of his *Political History*, as one of a few facts which evince that the British Government have, and as he thinks, wisely "*discouraged*" and "*opposed a systematic discouragement to the conversion of its native subjects.*" In the second edition of

his book, though his opinions on this subject remain unchanged, and though Government have withdrawn none of their support from native religious establishments, nor bestowed any token of patronage on a single native convert, yet, in deference to the voice of public opinion in England, and to the establishment of the Bishopric of Calcutta, which has compelled the local governments to give some countenance and encouragement to measures for facilitating the diffusion of knowledge, he has thought it prudent to suppress all mention of discouragement, and of the grounds on which it was imputed. He continues, however, to recommend that the Bishop, and all his clergy, and all professors of colleges, should be “*prohibited* from using their endeavours to “make converts:” a recommendation which, ever since it was first promulgated, (in 1811,) there has been, fortunately, less and less disposition to adopt.

If the French “allowed the most sacred “usages of both Mahomedans and Hindoos to “be frequently* violated,” we may surely avoid such palpable errors without running into the opposite extreme. On the other hand, if “the

“ native inhabitants of their settlements, and the
“ servants in whom the principal officers of Go-
“ vernment reposed trusts, were almost all Chris-
“ tians,” the inference is that public encourage-
ment to the work of conversion may be successfully
and safely afforded ; while in the moral and in-
tellectual qualifications required from converts to
Protestantism, and in the sources of instruction
opened to them, we should possess additional
securities for the prevalence of virtue, and the
diminution of crime, perjury, and litigation.

Among the instances of support given to Hin-
dooism, by the British Government, the most
prominent is the public sanction afforded to the
inhuman rite of burning widows, notwithstand-
ing the opinion of numerous judges, and espe-
cially those of the Bengal Court of Sudder De-
wanny, that there would be no danger in abolish-
ing it ; and that it prevails chiefly in a province
where our authority has been established for the
longest time, namely, in Bengal proper.

In another instance, the support given to the
economy and machinery of the Temple of Jagan-
nath amounts to participation. We are not, in-
deed, permitted to “ bow in the House of Rim-
“ mon,” but we assist in maintaining its decora-
tions, and profit by the afflux of pilgrims to its
idol. The most learned and graphic description

which we have of the procession of Jagannath, his brother, and sister, is from the pen of Mr. Andrew Stirling:—" Their raths, or cars," says he, " have an imposing air from their size and " loftiness,* but every part of the ornament is " of the most mean and paltry description, *save* " *only the covering of striped and spangled broad* " *cloth, furnished from the import warehouse of* " *the British Government*, the splendour or gorgeous effect of which compensates, in a great " measure, for other deficiencies of decoration." After mentioning the decaying and soon-tired enthusiasm of the people, and the indispensable assistance of a multitude of the inhabitants of the vicinity, who hold their lands rent free, on condition of performing the service of dragging the three cars at the annual ceremonies, he observes,—“ Even the god's own proper servants " will not labour zealously and effectually without the interposition of authority, [*i. e.* of the " British magistrate !] *and I imagine the ceremony* " *would soon cease to be conducted on its present* " *scale and footing, if the institution were left* " *entirely to its fate and to its own resources* " *by the officers of the British Government.*"

* The largest is 43½ feet high, and has a platform 34½ feet square.—*Asiatic Researches*, Vol. XV. pp. 322, 324.

The gross amount collected from pilgrims to Jagannath, in 1815-16, was Rs. 86,027; the expenses of the temple and other charges were Rs. 74,880, leaving, as net produce of the tax, Rs. 11,147. Among the charges is one item of "cloth, issued from the import warehouse, Rs. 1365." The Court of Directors, in the Revenue General Letter of October 28, 1814, intimated that they "do not consider the tax on pilgrims as a source of revenue, but merely as a fund *for keeping the temple in repair!*" The Vice President in Council directed, June 24, 1815, that the net collections should be appropriated,—1. to the repairs of the temple and other local purposes;—2. to the construction and repair of a road from Calcutta to Jagannath, which was commenced on a donation for that purpose by the late Rajah Sookmoy Roy;—3. to any other purpose connected with the temple of Jagannath. Upon this Mr. Harington remarks,—“ But it is evidently indecorous, if not inconsistent, that the Government of a nation, professing Christianity, should participate in the offerings of heathen superstition and idolatry; and the appropriation of the pilgrim tax (as judiciously ordered with respect to the surplus collections at the temple of Jagannath, after providing for the repairs of the temple and other local

“ purposes) to the construction and repairs of
 “ public roads *leading to each place of pil-*
 “ *grimage*, or to other purposes *connected there-*
 “ *with*, such as bridges and places of accommo-
 “ dation for *travellers*, whilst it is manifestly
 “ a legitimate use of the tax as conducing to
 “ the convenience of those from whom it is
 “ levied, must also prove beneficial and accep-
 “ table to the community.” If all the money
 thus strictly exacted *were* expended in main-
 taining the pomp of the idol, and facilitating
 access to his temple, the transaction would be
 indecent and impolitic. But we are without
 even that excuse at other places to which pil-
 grims resort. At Jagannath the *net* produce of
 the tax is a trifle; but, at Gya and Allahabad
 together, it is two lacs and a half of rupees.*
They cannot be expended on roads leading to
 Gya and Allahabad, nor have the Court of
 Directors ordered any such appropriation. At
 Allahabad, the object of attraction is not an
 idol, lodged in an extensive temple requiring
 annual repairs and a numerous establishment,
 but merely the confluence of the Ganges and

* The British Government does not disdain to collect a
 pittance of about Rs. 6500 from pilgrims to three places in the
 Moradabad district and Etawah.

Jumna, where a barrier is erected which none are permitted to pass who have not purchased a license for that purpose.

When the progress of colonization shall have given a new impulse to the diffusion of true knowledge and sound religion, and inspired a sense of stability into Government, these errors, together with the apologies now offered for them, will disappear and be forgotten ; and the words Hindoo and Mahomedan, instead of being a rallying cry for nations, will in time become the designations of tolerated but neglected and declining superstitions. In pursuing such a course we shall be animated by the purest motives, and cheered by the visible growth of prosperity and happiness.

APPENDIX.

THE following paper exhibits a curious attempt to extract some benefit from the agricultural operations of a few English gentlemen in the cultivation of a single article, *coffee*, without the relinquishment of any of the restrictions which render colonization impossible. It is a highly interesting document. Every line of it affords matter for observation, Paragraphs 5, 6, 17, 18, 19, 21, are particularly deserving of the reader's attention. It is a RESOLUTION by the Governor General in Council, dated 7th May, 1824, not a formally enacted and promulgated REGULATION.

“ Resolution,

“ *Revenue.*—As far as a judgement can in such a case be formed, until trial be made, there appears to be abundant reason to conclude that the cultivation of coffee may be successfully prosecuted in this country on an extensive scale, and that the article may indeed be produced at a cost considerably below that which

the lowest prices hitherto known in the market would amply reimburse: while, at the same time, there is scarcely any thing of which the consumption is likely to experience so large an augmentation in the event of any material reduction of price.

“ 2.—The extension of the export trade of India is an object of the highest importance both to England and to India; and the introduction of a new branch of trade, such as that in question may eventually become, would be a great national benefit. The speculation appears, therefore, to be one which is in a high degree worthy of the support of Government. From the nature of the case, it is indispensably necessary that those who undertake it should have an assured tenure in the lands appropriated to the cultivation for a considerable period of time. And, although it is to be expected and desired that the natives will before long enter on the speculation, and be guided by the example set to them in the conduct of it, yet to its early and successful introduction on a large scale it appears to be essentially requisite to allow scope to European enterprise and intelligence.

“ 3.—The land required in each case will, it is probable, admit of easy demarcation, although, in the lower parts of Bengal at least, it may not be found practicable to procure a sufficient extent of suitable ground without some intermixture of land applicable only to other purposes. And his Lordship in Council would hope that little difficulty will be experienced in proceeding for the satisfactory adjustment of all claims and the effectual protection of all rights attaching to land to be used in the cultivation of coffee or other-

wise necessarily included within the limits of the plantation.

“ 4.—For this purpose, however, and especially for the protection of the Ryots and the security of the real interests of the speculators, it appears to be necessary to prescribe some special rules to be observed before any lands shall be occupied by Europeans, that the arrangements concluded by them with the owners and occupiers of land should be certified by the collectors of the districts, and that the European planters should be held subject to the awards of those officers in all matters touching the payment of rent, the adjustment of boundaries, and the like, with an appeal, of course, to the Board of Revenue. •

“ 5.—It appears to be, for several reasons, desirable that the tenure of the European planters should be that of leaseholders, not that of proprietors of the land. As to the term of the lease, it seems to be unnecessary to lay down at present any general rule.

“ 6.—With the above sentiments, his Lordship in Council is pleased to resolve that Europeans of respectability, being persons, of course, duly licensed as to residence, shall be authorised to take leases of land for the cultivation of coffee, under the following conditions and restrictions.

“ 7.—Persons desirous of establishing coffee plantations shall, in the first instance, apply for the permission of Government to do so, stating the district in which they propose to have the establishment and the quantity of land they wish to include in their plantations, and each of them: such applications to be

submitted through the Secretary to Government in the Territorial Department.

“ 8.—When permission is granted, the parties shall submit to the Collector of the district a detailed statement of the lands which they desire to occupy, and of the terms which they may have settled with the owners and occupants, including every one whom they may know to possess an interest in the lands. This statement shall be in English, Persian, and Bengallee, if in Bengal,—and in English, Persian, and Hindoostanee, if in Behar or in the Western Provinces,—and in English, Persian, and Oorya, if in Cuttack.

“ 9.—The Collector shall cause to be published, on the land desired to be taken, or in the nearest hant, or village, and shall likewise stick up in his Kutchery an Ishtahar, notifying the contents of the application, and requiring all persons who may desire to submit any representation in the matter to come forward, in person or by Vakeel, within the period of one month.

“ 10.—Any representations which may be made to the Collector, in consequence of such notice, will be duly investigated by him, and the result recorded in a regular proceeding.

“ 11.—If the result of such investigation shall appear to him to render objectionable the establishment of the proposed coffee plantation, the Collector shall report the circumstances to the Board of Revenue, and be guided by their instructions as to his further proceedings.

“ 12.—At the end of the period fixed in the Ishtahar, if there shall not appear to be any objection to a

compliance with the application of the party, the Collector shall either proceed himself to the spot, or shall depute the Pergunna Canoongo, or other Ameen, to measure and mark off the land proposed to be appropriated as a coffee plantation, and to take from the several parties interested therein the necessary deeds in favour of the planter, and from the planter the requisite engagements in favour of the parties.

“ 13.—When the whole is concluded the Collector shall submit his proceedings to the Board of Revenue, who, if satisfied that all claims have been duly attended to and properly adjusted, will finally confirm the arrangement.

“ 14.—Persons licensed as above to hold lands will, of course, be chargeable with all expenses attending the measurement and demarcation of the same, and the other necessary investigations.

“ 15.—Lands occupied by Khoodkasht Ryots, or other cultivators enjoying an hereditary right of occupancy, must not, of course, be transferred without the consent of those persons.

“ 16.—Where the rents may be receivable by a Talookdar, or other Middleman coming between the Ryots and the Zemindar, or Sudder Malgoozar, the right of the latter to object to the arrangement will depend on the nature of the intermediate tenure. But in general it is the desire of Government that no lands should be taken by Europeans unless all parties possessing an interest in the soil or in the rents shall consent to the arrangement.

“ 17.—Europeans permitted to hold lands as above must bind themselves to submit to the award of the

Collector of the district, subject only to appeal to the Board of Revenue, in all matters relating to any rent, or other consideration demanded from them on account of the land occupied by them, as well as in all disputes touching the possession of the land, or any wells, water courses, tanks, reservoirs, or the like.

“ 18.—The coffee plantation shall be liable to sale by the Collector in satisfaction of any award passed by him, if not otherwise satisfied, within such time as may be appointed by the Board of Revenue, to whom, in all cases requiring recourse to sale, a reference shall be made.

“ 19.—If any European licensed to occupy land for a coffee plantation shall violate the engagement into which he may enter, or shall usurp or violently disturb the possessions of the neighbours, or shall be otherwise guilty of any act in breach of the peace, the Governor General in Council reserves to himself the power of cancelling the licence and of directing the interest possessed by the offender in the plantation to be sold.

“ 20.—The Board of Revenue will be authorised to take such further security as they may deem necessary, but in general his Lordship in Council would presume that the plantation itself will afford sufficient security. Parties who may suffer in consequence of the annulment of a planter's licence will also have their remedy in a suit in Court.

“ 21.—It will frequently, his Lordship in Council presumes, be necessary to include in the planter's possession a certain quantity of land on which coffee cannot be grown, besides tanks and the like, and the

plant requires the shelter of other shrubs or trees, which may at the same time be otherwise turned to profit. A certain latitude is, therefore, necessary, but the Board will see that it is not abused.

“ 22.—It will, of course, be the business of the Collector to see that an adequate rent is paid for all Malgoozaree lands included in a coffee plantation, and the tenure will be secured from the operation of a public sale for arrears of revenue,* under the provisions of Section 31, Regulation 11, 1822.

“ 23.—When a lease may be taken from a subordinate Talookdar, the planter must take the precaution of making the superior holder or holders parties to his engagement, that he may be secure from the consequences of default on the part of the lessor.

“ 24.—Subject to the above provision, his Lordship in Council is pleased to authorize Dr. Wallich and Mr. Gordon to hold the land for which they applied. They will be referred to the Board and the Collector for the final adjustment.

“ 25.—Mr. Lock’s application to purchase one thousand Beegahs of land is deemed inadmissible.”

To Sir Alexander Johnston the credit is due of procuring the removal, in 1810, of the restrictions which prohibited Europeans from holding land in CEYLON.

To him, also, we are indebted for the first example of the use of juries composed of native inhabitants of our Eastern possessions.

The Dutch Government would not permit their countrymen to settle in the interior of JAVA, and the consequence is that they have for some years been maintaining a bloody and expensive contest for their existence! In 1820, a number of Europeans, many of them Englishmen, rented land from the native princes in the central provinces, chiefly for the cultivation of coffee. In 1823 they were all driven from the interior by the Governor, Baron Vander Capellen, without any indemnification but the future produce which might become available from their deserted plantations. Adversity has now opened their eyes to the folly, if not to the injustice, of those violent proceedings; and, by a decree, dated 17th May, 1827, the European planters are restored to their leasehold estates, and "the free disposition of their lands, and particularly the renting them to European planters, remains insured to the Javanese princes and chiefs." The errors, offences, sufferings, and repentance of the Batavian Government would throw a strong light on the doctrine of colonization.

THE following abstract of a celebrated speech by Lord Grenville, on the subject of the last renewal of the East India Company's charter still possesses a great and increasing interest, because, though public

opinion is considerably in advance of his Lordship's views on some points (the great question of colonization having arisen and grown to maturity since his time); yet on other and very material points, especially that of PATRONAGE, the weight of so high an authority—the testimony of a practical statesman of the first rank—must continue to be, till the fate of the broad continent of India is decided, of inestimable value.—*Edl.*

The speech, besides the value of its matter, is deserving of attention for the elegance of its style, always clear and forcible, and rising in some passages to eloquence. It was written out for separate publication by the noble author, and thus it must be considered as containing the deliberate views and opinions on Indian affairs of a veteran statesman of great talents and tried judgement, whose attention had been directed to the affairs of India in a degree much more than is now common in the English Parliament; from the circumstance, to which he alludes, that when he first entered public life party violence was peculiarly directed to that question. It was on that very ground that the government of the empire was disputed between the greatest statesmen of the age.

It is probably owing to this early and complete mastery of the subject that Lord Grenville's speech appears to so great an advantage compared with most of the debates upon the India bill. The reader sees that his Lordship is discussing a question on which he has clear and distinct ideas, and which enable him to perceive and fix upon the main points without being bewildered in irrelevant questions of subordinate detail.

He has given a brief yet a distinct view of the state of British India in 1813, and of the general plans for its improvement which suggested themselves to *his* mind. When the question shall come again to be discussed, in what manner India is to be governed, the clear fulfilment of some of Lord Grenville's anticipations, and the dissipation of many prejudices which prevailed in 1813, will probably occasion his opinions to be referred to with more deference than was paid to them at the time. They will not *then* be received with some jealousy, as the plans of the leader of a hostile party in the senate, but as the legacy of a statesman who has retired from public life.

As an instance of his keen glance through the mists of prejudice and ignorance, and of the beauty of his illustrations, we may quote the passage where he shows his just contempt for the mass of evidence which had been produced at the bar of the House, to prove that the trade with India could not be increased. A host of persons, eminent from their names or their places, who had resided in that country as Governors, Counsellors, Colonels, Judges, &c. were marshalled in array at the bar to prove this. Sir Thomas Munro and Sir John Malcolm were at their head, and many people were content to believe that, because these men were avowedly skilful in collecting revenue or negotiating treaties, therefore they were competent witnesses on other points, of which they had no experience and could form no judgement. The books of the Customhouse have long since proved the utter absurdity of the conjectural opinions which they delivered, with a very natural bias towards their "reverend and approved

good masters." Lord Grenville, at the time, pointed out, in the following passage, that their opinions were of no value whatever, and, by his parallel suppositions, has both indicated the causes of their error and shown that it was no impeachment to their general sagacity.

" To what extent this trade may then be carried, presumptuous indeed would be the man who shall now venture to pronounce. On what evidence, what conjecture, would he found his judgement? What present knowledge, what past experience of India could possibly decide that question? 'No commerce,' Trebatius or Quintus Cicero, returning from a campaign in Britain would probably have informed the Roman senate, 'no commerce can ever be carried on with that uncivilized, uncultivated island, divided absolutely from the whole world by tempestuous and unnavigable seas, and inhabited only by naked and houseless barbarians.' — 'No commerce,' some sage counsellor of Henry or Elizabeth might, with equal authority, have assured those monarchs, 'can ever be opened with the dreary wilderness of North America, a land covered with impenetrable forests, the shelter only of some wandering tribes of the rudest and most ferocious savages.' Yet of these predictions the folly might be palliated by inexperience. In the defect of better knowledge, such conjectures might even pass for wisdom. But what shall we say of those who deny the possibility, not of opening new sources for the commerce of mankind, but of enlarging its present channels? Who tell us that the trade which we now carry on with India must, in all future time, be limited to its actual amount? Strange

“ and unprecedented necessity ! which has thus set
 “ bounds to human industry and enterprise, arrested the
 “ progress of commercial intercourse, and, by some
 “ blasting and malignant influence, blighted the natural
 “ increase of social improvement. With full and confi-
 “ dent assurance may we repel these idle apprehensions.
 “ By commerce, commerce will increase, and industry
 “ by industry. So it has ever happened, and the great
 “ Creator of the world has not exempted India from this
 “ common law of our nature. The supply, first follow-
 “ ing the demand, will soon extend it. By new facilities
 “ new wants and new desires will be produced. And
 “ neither climate, nor religion, nor long established
 “ habits, no, nor even poverty itself, the *greatest of all*
 “ *present obstacles*, will ultimately refuse the benefits of
 “ such an intercourse to the native population of that
 “ empire. They will derive from the extension of com-
 “ merce, as every other people has uniformly derived
 “ from it, new comforts and new conveniences of life,
 “ new incitements to industry, and new enjoyments, in
 “ just reward of increased activity and enterprise.”

Lord Grenville commences his speech with some
 remarks on those of Lord Wellesley and Lord Buck-
 inghamshire, who had spoken before him. After
 some compliments to the brilliant Indian administra-
 tion of the former, he remarks that the latter had, with
 great propriety, pointed out the real nature of the
 duty now cast upon Parliament:—“ he has reminded
 “ us (I think it has been frequently overlooked in dis-
 “ cussing the subject elsewhere) that our present de-
 “ liberation embraces the whole question of our future
 “ relations with India: the government of a vast em-

“pire, and the regulation of the British commerce
“with every port and country between the southern
“promontories of Africa and America. It is a de-
“ception to speak of any existing rights by which
“this immense and momentous consideration can now
“be circumscribed. The charter of the East India
“Company was granted only for a limited period: for
“limited periods it has ever since been renewed, with
“the express purpose, that at their expiration the
“matter should revert entire to the free disposition
“and deliberative wisdom of Parliament. The trusts
“and duties of that great corporation, its commercial
“and its political monopolies, will all expire together,
“on the lapse of the term for which they were created.
“All public right, all public interest in the subject,
“will thenceforth devolve on the British legislature,
“exercising an unrestrained but sound discretion;
“bound by no previous grant, fettered by no existing
“law, and having regard only to the principles of
“moral duty, and to the rules of a wise policy and
“enlightened government.”——

“On precedents we can here have no reliance.
“The situation is new; the subject on which we are
“to legislate knows no example. Our former mea-
“sures would be deceitful guides. They were ex-
“periments not always successful, and, at the best,
“calculated only for limited duration; never perma-
“nent, nor ever meant for permanence; temporary in
“their nature, and continually varying with the pro-
“gressive variations of our interest and power in a
“country where our situation has never yet been sta-
“tionary. To the extent and to the condition of our

“ present Asiatic empire, they appear to me utterly
“ inapplicable. And so far from wishing, with my
“ noble friend who opened this discussion, to per-
“ petuate those anomalous and imperfect arrange-
“ ments, I am persuaded that we are not yet arrived
“ at the period when any final regulation on the sub-
“ ject can safely be established. Whatever we may
“ now do, I deprecate the idea of placing it out of the
“ reach of revisal. I object even to that part of the
“ resolutions on your table which would establish them,
“ by an irrevocable compact, unchangeable for twenty
“ years. Twenty years would, at any time, be much
“ too long a period for farming out the commerce of
“ half the globe and the sovereignty of sixty millions
“ of men. Those who advised the last renewal of the
“ charter had ample reason, during its continuance, to
“ regret that they had placed out of the hands of Par-
“ liament so considerable a portion of the national
“ interests. How much more inexcusable would such
“ an error now appear, when the events, not of the
“ next twenty years, but of the next *twenty months*,
“ may be decisive of the whole fate and fortunes of
“ the British empire! This improvidence I trust we
“ shall avoid.”*

He proceeds then to remark that it is important to keep in mind that this was not a mere question regarding the interests and privileges of the East India

* It is a remarkable fact that, in 1813, Mr. Canning also proposed that the exclusive trade to China should be continued only for ten years, and divided the House upon that proposition.

Company, but that there was a preferable and higher duty which ought first to be discharged.

“ Consider” (says the orator) “ the relation in
“ which we stand to India. The British nation is now
“ sovereign in that country. To the imperial crown
“ of this United Kingdom, whatever we there possess
“ of interest, territory, or dominion, is of right annexed. *To argue the fact of the British Sovereignty*
“ *in India would be an insult on the understanding of*
“ *my hearers.* To ask whether any territory, dominion,
“ or political authority, in any quarter of the globe,
“ can be conquered by British arms or acquired by
“ British negociators, *otherwise than to the British*
“ *Crown,* is simply to ask whether we live under a
“ monarchy or a republic. Our government knows no
“ regal power but in the king; in him alone all sovereignty is vested—with him it indefeasibly resides;
“ to be exercised not by his individual and personal
“ discretion, as in despotic monarchies, but under the
“ sanction and limit of the laws, through the channels
“ of his regular government, and with the advice and
“ consent of his necessary and constitutional councils.
“ It is from this principle alone that we ourselves derive any authority to make laws for India. No
“ territories to which the king’s sovereignty did not
“ extend could, by any possible pretence, be subjected to the legislative authority of his Parliament.

“ What are the duties which this sovereignty imposes and the order in which they should be discharged? The very reverse of that in which, I am
“ sorry to say, they have hitherto been most commonly
“ regarded.

“ Must we not, in the first instance, consult the
“ welfare of the country for which we undertake to
“ legislate? Are we not bound, above all other con-
“ siderations, to provide for the moral improvement
“ of its people, and for their social happiness; for the
“ security of their property and personal freedom; for
“ the undisturbed enjoyment of the fruits of their in-
“ dustry; for the protection and extension of their
“ agriculture, manufactures, and commerce; the peace
“ and good order of their provinces; and the impartial
“ administration of their laws? *These are duties which*
“ *attach on government in all its forms; the price and*
“ *the condition of obedience; sacred obligations, from*
“ *which no sovereign power can ever be released; due*
“ *from all who exact to all who pay allegiance.*

“ Next to these objects, *but far below them in the*
“ *scale of moral duty*, is the attention which we must
“ also pay to the interests of our own country, deeply
“ implicated in this discussion. Nor let us hastily
“ suppose that these duties, however apparently dis-
“ tinct, are really at variance with each other. Far
“ from it. Pursued with sincerity, and on the prin-
“ ciples of a just and liberal policy, there exists be-
“ tween them a close connexion,—a necessary and
“ mutual dependence. *The attachment of conquered*
“ *provinces can be secured only by good government:*
“ the resources which they can furnish to the metro-
“ polis must be proportioned to the prosperity which
“ they themselves enjoy.

“ How, then, shall we best discharge these mixed and
“ concurrent obligations? What system of British Go-
“ vernment in India shall carry to its highest pitch of

“ attainable advantage our connection with those vast
“ dominions? In what manner shall it enrich the metro-
“ polis without impoverishing the province, render the
“ increase of our own commerce an extension, not a
“ transfer of theirs, and draw from them, without injury
“ to their prosperity, a just proportion of revenue, not as
“ a tribute wrung from misery, but as the willing retri-
“ bution of gratitude, for protection and good govern-
“ ment, enjoyed in substance and not in name? By
“ what laws, what judicatures, what responsibility, shall
“ we prevent the oppression of distant subjects, submis-
“ sive to all power, and incapable, in the present state
“ of their manners, habits, and opinions, utterly incapa-
“ ble, of political freedom? How reconcile with their
“ progressive improvement, with the gradual diffusion of
“ light and knowledge, the deference due to their sub-
“ sisting institutions? How shall we teach them to
“ bless the hour which subjected them to the British
“ crown—to venerate, as the source of all their hap-
“ piness, the dominion of a nation just, because it is
“ free, careful of the rights of others in proportion as
“ it is jealous of its own, and displaying the preemi-
“ nence of superior knowledge in its best and noblest
“ form, the dignity of superior virtue?”

He proceeds to state that the next step he would advise, after having first asserted the sovereignty of the crown over India, would be to separate its government from ALL admixture with *mercantile interests* or *mercantile transactions*.

“ The very existence of this blended character of
“ sovereign and merchant, on which our whole Indian
“ system is now built up, appears to me an anomaly

“ inconsistent with all true principles of government,
“ reprobated by all authority, and condemned by all
“ experience. No sovereign, I confidently believe,
“ has ever yet traded to profit: no trading company,
“ I greatly fear, has ever yet administered govern-
“ ment for the happiness of its subjects.”

As an illustration of the unfitness of this blended character for its trading functions, Lord Grenville states, on the authority of Lord Wellesley, adding, that he believes his assertion is much within the truth, that since the last renewal of their charter they had lost on their trade four millions sterling; and that the only profitable trade which they carried on was with China, where they had no sovereignty. He asserts that the compound body had been found to perform its governing functions quite as ill for near twenty years after the acquisition of the Dewanee. “ During that
“ period scarce five years, scarce three years, can
“ be found in which the inherent vices of that form
“ of administration, and the consequent oppression
“ and misery of its subject provinces, did not forcibly
“ compel the interposition of Parliament. All men
“ were agreed that the *political direction* of India
“ must be transferred from ‘the East India Company,
“ and placed under the *complete control* of the *public*
“ councils.” Fox and Burke proposed to do this openly. The Company resisted vigorously, and succeeded in preventing “ Carlo Khan’s triumphant entry
“ into Leadenhall-street.”* In this campaign they were

This was the title of a very clever caricature, that made

assisted by Mr. Pitt,—and they fared like other sovereigns who have called in too powerful an ally. To escape from a Board of Commissioners who would have pushed them from their chairs, they accepted Pitt's Board of Control, but when the full powers of this Board were afterwards unfolded to them, on a dispute taking place with the ministry, they found that their patronage indeed remained, but that their political power was departed. From the year 1784, the superintendence of all the political affairs of India has resided in the Board of Control, and, in fact, in the President of that Board. *That* Government has still been exercised, indeed, in the name of the Company, as the Company has also used the name of the Asiatic powers, whose misrule it superseded; but both the control and the responsibility of all political measures are vested, by law, in the public servants of the state. The commerce and the patronage of the Company are alone excepted: but on *all other* matters, which any way concern the public interests in India, it is the office and the duty of the King's Commissioners, at their discretion, to exercise a complete and unqualified political control. It is *their* function to erase, to add, to alter, and, in the default of the Directors, to originate those instructions which, by law, the public ser-

great sensation in its time: Fox, in Asiatic robes, was drawn seated on an elephant with Lord North's face, and advancing in triumphant procession to the India House: Burke marched before him blowing a trumpet.

vants in India are bound implicitly to obey. If, therefore, the Government of India has been materially ameliorated since 1784,—if there is more purity in the public functionaries, and a greater and more systematic desire to conduct the Government for the benefit of the governed,—if the demands of the exchequer have been limited, and the channels of justice have been purified, Lord Grenville claims the merit for the King's Government, which was the real moving and directing power in the new system of government.—The Company, it has been seen, retained their commerce and their patronage. The former he now proposed to leave to them entirely, and to take away the patronage altogether. “ From the union of merchant “ and sovereign, in any form, his judgement revolts as “ every where incompatible, in a cabinet as much as “ in a trading company.” He would not, therefore, give ministers the smallest right to interfere with the commercial concerns of the Company. They should manage them entirely as they pleased; it being clearly, however, understood, that *their* commercial agents who purchase silk, cotton, &c. in the interior of the country would no longer meet with any partiality or special indulgence from the judges and collectors of *the Indian Government*, which would render even-handed justice, and impose equal duties of customs and other taxes upon the merchandize of the great Company and upon that of all other trading companies. It would be for them to consider whether, under these circumstances, they could carry on a profitable trade when relieved from the cares of government; or how long their

patriotism would induce them to conduct a losing commerce. That they did so before 1813 their advocates proclaimed and boasted of it.

On the great question of the patronage of India Lord Grenville enters at much length—and his observations on this subject are so original and important, that they will undoubtedly attract notice whenever the subject shall again come before Parliament.

He avows that he retains unchanged the opinions he held in 1784, that if this influence were vested in the Crown, or in any political party, it must weigh down the balance of the Government. But he asked, is there no other course? Because we fear to give it to a party, must we therefore vest it in an exclusive corporation? “Has the East India Company itself been always found quite disconnected with the political divisions of the state? or is it absolutely certain that in their hands the patronage of India can never be abused?” He then proceeds to examine this question—and first he distinguishes what is too often confounded, the *patronage of advancement* in rank and office, and the *patronage of appointment* to the service.

The selection of those who are to exercise the supreme civil and military authorities in India had been for a long time *influenced* by the King’s ministers; and Lord Grenville recommends, as far more constitutional, that the responsibility of the nomination should attach to them openly. But with respect to the offices of inferior trust, including all below the councils, he observes that the general course of nomination, both in the civil and military line, has rested where, unquestionably, it ought to rest, with the governments on the spot, under certain limitations of selection fixed by

law. And he remarks that those legal securities against abuse would apply with equal, perhaps with greater efficacy, to the same services, administered under the constitutional security of the crown.

“ The local governments are best qualified to discriminate the characters of those who act immediately under their inspection. They are most immediately concerned to reward the merit, to discountenance the misconduct of those who are to act under their orders.

“ But undoubtedly a power in itself so considerable, and administered at so great a distance, cannot be, nor is it, left without limitation. The law has done much to remove the opportunity, and with it the temptation to abuse. By the Act of 1784, an inviolable course of succession by seniority was established, both for the civil and the military service in India. By that of 1793 the strict letter of this rule was a little, and but a little, relaxed. Under that law, fixed classes and gradations of office have been established in India, of rank and value proportioned to the length of service, by which alone any servants, even the most meritorious, can be qualified to hold them. Within these limits all exercise of patronage is restrained, and the effective operation of this principle has been considerably extended by a judicious, but perhaps still imperfect separation of the lines of civil service. But by far the most important provision, without which no other could be effectual, is found in those clauses of the Act of 1784, which corrected the abuse of appointing to high stations in India persons new to that service. No office under the government of our Indian empire can now be conferred except upon its regular servants, sent out

“ in early youth, and trained to superior trust by the
“ correct discharge of subordinate employments. When
“ your Lordships consider, therefore, the jealousy with
“ which the execution of all these regulations is
“ watched by a whole body of public servants, whose
“ prospects depend on their observance; and when
“ you further reflect that the persons from among whom
“ the selection must in every case be made, are few
“ in number, and that they have all originally been
“ named in the outset of their life by various choice,
“ unmingled with politics, and from different classes of
“ society, it will no longer surprise us to be assured
“ that the political divisions of the state have, under
“ this system, found no admission into the exercise of
“ Indian patronage.

“ But how can it possibly be shewn that these wise
“ provisions of the law, this salutary course and gradation
“ of public service, depend upon the East India
“ Company’s authority? The King’s civil service in
“ India, should such be its future appellation, would
“ equally subsist under the same regulations, secured in
“ the same prospects, animated to the same exertions,
“ protected by the same just interposition of the law,
“ against the noxious influence of political intrigue,
“ and deriving only fresh distinction to themselves,
“ and fresh respect among the powers of India, from
“ the stamp and sanction of royal authority.”

No less distinct is the outline which he traces for the transfer of the Indian army to the Crown.

“ To blend, as has been sometimes recommended,
“ into one indiscriminate mass the general army of the
“ Crown and the local force of India, would be the

“ inevitable ruin of the empire. I have no doubt of
“ it. The military patronage of the Crown, already
“ so great, would then exceed all bounds; we should
“ lose the inestimable advantage of local education,
“ knowledge, and habits, so necessary for the com-
“ mand of native troops: and the unjust partialities,
“ preferences, and supercessions, to which the distant
“ service would infallibly be exposed, must soon break
“ down its military character: must, too, probably
“ renew, I shudder to pronounce it, the criminal
“ scenes, which we have so lately witnessed, of mutiny
“ and public rebellion.

“ Very different is the system on which I am dis-
“ posed to hope that this valuable army might be taken
“ as a distinct force, under the King’s immediate pro-
“ tection and command. Preserving to it all its local
“ character and local advantages; securing to it a com-
“ plete parity of rank and promotion with the King’s
“ general army; and blending only the staff of both
“ into one body of general officers, qualified by com-
“ mission, as well as by merit and service, and called,
“ by habitual and indiscriminate appointment, to ex-
“ ercise command over British troops in every quarter
“ of the world. These details, however, are not for
“ this day’s discussion. It is sufficient for our present
“ purpose to remark, that the rules of gradation now
“ actually existing in that service, and guaranteed to
“ it by law, must be broken down, before it can be-
“ come, in the hands of the Crown, any more than in
“ those of the Company, an object of political pa-
“ tronage. And if these rules are thought insuf-
“ ficient, let them be strengthened and enforced. The

“ nature and composition of an Indian army, its
 “ duties, its rewards, and its prospects, will be found,
 “ by those who consider the question attentively, to
 “ admit and to require rules of succession much
 “ stricter than are consistent with the general prin-
 “ ciples of military advancement.”

The *patronage of advancement* and promotion being thus lodged where it now resides, in the local government, under the sanction and restrictions of law, there remains the *patronage of appointment*, the original nomination of writers, cadets, and assistant-surgeons—a matter in itself of far less magnitude and importance, but which has generally been mixed up with the other through confusion of ideas or ignorance, and sometimes from an intention to magnify the amount of influence to be transferred. But while Lord Grenville objects to this patronage being vested in the ministry—he shews how easily it might be so disposed as to provide amply and efficiently for the wants of the service in India.

“ It remains to speak of the youths by whom these
 “ services must be recruited ; the *writers*, as they are
 “ called, and the *cadets*, who are to rise successively
 “ to the highest functions of civil and military trust.
 “ They are now named by private patronage ; nor
 “ would I ever consent to vest this influence in the
 “ King’s Ministers. Not merely because it is itself
 “ greatly too large to be so given without necessity,
 “ but much more because all possible security, for the
 “ due exercise of patronage in India, depends on the
 “ disconnection of the great body of the public servants
 “ there from the domestic parties in our state. But is

“ it therefore necessary that these appointments should
“ be made by the East India Company? Or does not
“ the very same principle apply, though doubtless in
“ a less degree, as an objection against their exercising
“ such a trust? Can it be supposed that the control
“ over the conduct of these public servants will always
“ be justly exercised by those with whom their ap-
“ pointment has originated? In whatever hands the
“ Government of India shall now be placed, it is just,
“ it is necessary to provide some new course of impar-
“ tial, and what is not less important, of mixed selec-
“ tion, for keeping up your civil and military service
“ in that country. Nor can the task be difficult. In-
“ numerable are the modes in which it might be ac-
“ complished. The most obvious course would be to
“ choose the young men, who are destined for the civil
“ service, by free competition and public examination,
“ from our great schools and universities: to name the
“ cadets not by the choice of any man, but by some
“ fixed course of succession, from the families of
“ officers who have fallen in the public service. In
“ this manner would the patronage of India, instead
“ of contributing to political influence, or to private
“ gratification, serve as a reward of merit, as an
“ encouragement of valour, learning, and religion, and
“ as an honourable discharge of public gratitude: and
“ the persons destined hereafter to administer the go-
“ vernment of millions would be those only, who, even
“ in their earliest youth, had afforded some promise
“ of superior talent, diligence, and virtue.

“ On this branch of the subject your Lordships will
“ think that I have too long detained you. But it is

“ only by such details that loose and general assertions
 “ can be brought to issue, that imaginary fears and
 “ groundless prejudices can be dispelled. It must, I
 “ think, be clear to every one that the apprehensions
 “ entertained on this point are of that description.—
 “ Your Lordships may doubt, on other grounds, whe-
 “ ther or not to separate the commerce from the Go-
 “ vernment of India. This, at least, is certain, that
 “ their union contributes nothing to the security of the
 “ British constitution.”

A kin to the question of the appointment of fit persons for the civil service is the scarcely less important inquiry how they are to be trained for the service, and Lord Grenville's remarks on the establishment of a separate college in England, for this purpose, are well deserving of attention.

“ If I speak of this plan as I think of it, with strong
 “ disapprobation and regret, let it not be inferred that
 “ I object to any degree of attention which can be
 “ given to the earliest instruction and discipline of
 “ those who are destined for Indian service ;—far from
 “ it. No man will more rejoice in this than I shall
 “ —no man more zealously contend for its advantage.
 “ But I can never persuade myself that it was justifi-
 “ ble to form for that purpose a separate establishment
 “ in England. It may be doubted at what age these
 “ youths may most advantageously be sent to India.
 “ But, up to the latest moment of their continuance in
 “ this country, be that period what it may, I see the
 “ strongest possible reasons against their being sepa-
 “ rated in education from the young men of their own
 “ age and station in life. Instead of forming them

“ to as a gratifying proof of the advantages resulting
“ to the Indians, from a Government which combines
“ the functions of merchant and sovereign.”—“ I am,”
says his Lordship, “ surprised at hearing this practice
“ relied on as beneficial to the country !

“ It may have become necessary to the maintenance
“ of this involved and complicated system. I do not
“ deny it. But in that case how much must we abate
“ of the confidence which we should all so gladly have
“ reposed in the glowing representations of Indian
“ prosperity ! What, let me ask you, what is the real
“ condition of an empire whose industry is supported
“ only by advances made from its revenues ? In coun-
“ tries impoverished and exhausted by a long course
“ of public calamity, and in those where no commer-
“ cial capital has ever yet grown up, commerce, I am
“ well aware, is sometimes carried on solely by the
“ credit and resources of the exporting merchant ;
“ and in those cases a gradual accession of wealth
“ will, in the ordinary course of trade, accrue to the
“ nation which thus attracts the capital of others ; and
“ the very evil itself, such are the beneficent dis-
“ pensations of Providence, will finally remedy the
“ distress in which it had originated. But how widely
“ different from this is the case where the capital
“ which sets to work the industry of a people is fur-
“ nished only from the taxes which they pay ; where
“ the sovereign, himself the exporting merchant, sends
“ out their manufacture without return ; himself the
“ internal trader, purchases it only from their own
“ resources ; himself the master manufacturer, main-
“ tains the artisan at the cost of the labourer ; and

“ claiming to be himself, also, the paramount pro-
“ prietor of the soil, actually collects in kind the
“ raw material in payment of his territorial revenue.
“ By what part of such a trade can the country
“ profit? What freedom, what security, what com-
“ petition can exist in commerce so conducted?
“ What health or vigour in the community which
“ thus draws from its own veins the only nourish-
“ ment by which the vital circulation is maintained?
“ We may hope, indeed,—I speak it not in flattery,
“ but in the sincere conviction of my heart,—that the
“ spirit which pervades our Indian service, the liberal
“ and enlightened principles on which the public in-
“ terests are there considered, and the anxious solici-
“ tude displayed on every occasion for the prosperity
“ of the people whose government we administer, do
“ afford, in the execution of this system, every possi-
“ ble alleviation which, from its nature, it is capable
“ of receiving. Nor am I unapprized that, under still
“ greater discouragements than these, such is the
“ elastic force of human industry, when secured in
“ peace and protected by law, the population, the
“ products, and the wealth of any country will in-
“ crease; and most especially of one so highly fa-
“ voured in soil and climate. But the system itself,
“ unless I greatly misconceive it, is fruitful only in
“ evil. It exhibits the hand of government not fos-
“ tering the improvement of its people, but pressing
“ on their industry in every stage, interfering with all
“ their occupations, and meeting them in every market
“ with the public purse. It raises and depresses, ar-
“ bitrarily, the sale of their produce and manufactures,

“ by transactions too large for counteraction, too uncertain for private speculation; founded on no just combination of mercantile adventure, but regulated solely by principles of political convenience, the state of the public treasury, and the estimated increase or diminution of the national expenditure.”

The exclusive trade had been often contended for as a necessary channel for remitting to England the surplus revenue or tribute. Lord Grenville seems reluctant to acknowledge the fitness of such a demand, which he observes must still be in some degree detrimental to the prosperity of India.

“ It is a drain for which no return is made but in protection and good government. Yet, if conducted through the medium of an *open* trade, and *limited* most *scrupulously* in the amount by a due consideration of the condition of the country which supplies them, I see no reason to believe them inconsistent with its rapid and permanent improvement. This is the ordinary condition of a dependent and tributary province. What I object to is that peculiar course of policy which not only exacts the tribute but monopolizes the commerce, compels the payment, and forestalls the resources which should provide it. And this too in a country where few and inconsiderable offices of civil trust, where no office of military trust is as yet in the hands of the natives: where the fortunes realized by all who govern, and by almost all who trade, are at no distant period remitted also to the metropolis. It is, indeed, this last circumstance which is, in my judgement, by far the most alarming in the nature of our connexion with

“ India. How the pressure which this produces can
“ ever be resisted is a fearful consideration.

“ What a powerful motive does it then suggest to
“ us for throwing open the ports and markets of India
“ to British capital and enterprise, for inviting to her
“ harbours the ships and merchants of every quarter
“ of the globe, and securing to her, as far as legisla-
“ tion can secure it, the fullest benefit of the most
“ unqualified commercial freedom! If evil so exten-
“ sive and alarming must unavoidably result to her
“ from her subjection to a distant sovereignty, let it at
“ least be compensated by the unrestricted enjoyment
“ of all her local advantages. The anxiety which I
“ feel (I have already so stated it) is not for the
“ transfer but for the extension of Indian commerce;
“ not as some have expressed it, to give to English-
“ men the benefit of that trade which foreigners now
“ enjoy, but to give to India the benefit both of
“ British and of foreign trade. To administer those
“ vast possessions on any principles of colonial mono-
“ poly would be impracticable if it were just, would
“ be unjust if it were practicable. *In a British House*
“ *of Lords I trust we are not deliberating on the means*
“ *of ruling sixty millions of men in sole subserviency to*
“ *our own advantage*; nor, if this were our object,
“ should I consider the establishment of such a system
“ as in any manner calculated to promote it. But it
“ is as much the moral duty of a British statesman to
“ consult the prosperity of that, as of every other
“ portion of our empire. Subjects of the same sove-
“ reign, members of the same community, we submit
“ ourselves with equal obedience to the same legisla-

“ ture, and we are entitled to receive from it the same
“ protection : varied indeed in form, and adapting
“ itself in its regulations to the difference of local
“ situation and moral character ; but directed always
“ with an impartial hand to the same common object,
“ that of promoting the strength and greatness of the
“ whole, by carrying to the utmost practicable height
“ the prosperity of every part.

“ For the encouragement of such hopes no moment
“ was ever yet more favourable. The barrier of pre-
“ judice is shaken ; the spirit of monopoly is rapidly
“ giving way to juster principles of commercial legis-
“ lation ; and the change of public opinion in this
“ country is seconded by the great revolutions of the
“ world. Why should we then delay to grant to the
“ British merchant all for which he now contends ; all
“ that the exclusive charter of the East India Com-
“ pany has hitherto closed against him ; all and *more*
“ *than all* that *these resolutions* propose to open to the
“ people of this empire ? A free trade with India, a
“ *free trade with China* ; with the eastern islands, the
“ latest acquisition of British valour ; and through
“ them with the rich kingdoms of South America ; a
“ country hitherto indeed barred against us as much
“ by the monopolies of its parent government as by
“ our own, but now at last by the course of events no
“ longer within the control of man, opened, in every
“ case I trust infallibly opened, to the commerce of
“ the world. .

“ What a scene does this present to our imagina-
“ tion ! We are told that when the Spanish discoverers
“ first overcame, with labour and peril almost un-

“ speakable, the mighty range of mountains which
“ divides the Western from the Atlantic shores of
“ South America, they stood fixed in silent admiration,
“ gazing on the vast expanse of the Southern Ocean,
“ which lay stretched before them in boundless pros-
“ pect. They adored, even those hardened and
“ sanguinary adventurers, the gracious providence of
“ heaven, which, after the lapse of so many centuries,
“ had opened to mankind so wonderful a field of
“ untried and unimagined enterprize. They antici-
“ pated, in prophetic enthusiasm, the glory of their
“ native country, the future extent of its sovereignty and
“ power, and the noble prize presented to its ambition.
“ But theirs was the glory of conquest, the ambition
“ of war, the prize of unjust dominion. As vast as
“ theirs, but infinitely more honourable, for higher
“ both in purpose and in recompense, are the hopes
“ with which the same prospect now elevates our
“ hearts. Over countries yet unknown to science, and
“ in tracts which British navigation has scarcely yet
“ explored, we hope to carry the tranquil arts, the
“ social enjoyments, the friendly and benevolent in-
“ tercourse of commerce. By the link of mutual
“ interest, by the bond*of reciprocal good-will, we
“ hope to connect together the remotest regions of the
“ earth; humble and weak, but not rejected instru-
“ ments of that great purpose of our Creator, by
“ which he has laid, in the reciprocal necessities both
“ of individuals and of nations, the firmest ground-
“ work of all human society. Let this be our glory,
“ and what conqueror will not have reason to envy it?”

After this eloquent peroration Lord Grenville hastens

rapidly to the close of his speech. There are, however, one or two other points (he observes) so important, that he must detain the House a little longer by some brief remarks upon them. One of them is the question of extending the permanent settlement; and it is interesting to read the sentiments on this great question, of a veteran statesman, who had taken a share in the discussions which ended in Parliament's enjoining this measure upon the Indian Government.

“ The most considerable among the benefits which
“ my noble friend enumerated, as having been conferred by the British Government on the natives of
“ India, was that arrangement which is technically
“ called the permanent settlement. Your Lordships
“ are well aware that this consisted in fixing the
“ amount of territorial revenue, to be annually collected from the landholders of our provinces, instead
“ of leaving it to be varied from year to year at the discretion of Government, on the reports of its officers,
“ and according to the supposed ability of the person
“ assessed. This certainty of taxation, which would
“ be so important in every country, was of the utmost
“ possible value in provinces, where so much the
“ largest part of the public revenue is raised from the
“ proprietors of the soil: bearing a proportion to its
“ produce, which has been differently estimated by
“ persons the best informed, but which, *even by the*
“ *lowest calculation*, is of *frightful* amount. The
“ measure was first adopted in the Bengal provinces,
“ and it has since been extended to some other parts
“ of our possessions in India. To enlarge upon its
“ advantages before a British audience would seem

“ superfluous. Until very lately I thought they had
“ been generally admitted ; but the late report of a
“ Committee of the House of Commons has filled me
“ with anxiety on this subject. That report treats of
“ the question of applying the same beneficial prin-
“ ciple to the more recent acquisitions by which our
“ territory in India has been so largely extended ;
“ and no man, I fear, can read what is there said
“ without perceiving its tendency, if not to discredit
“ the original measure, at least to discountenance
“ its proposed extension. My noble friend who
“ opened this discussion, agreeing with me in prin-
“ ciple, but not fully partaking of my alarm, has
“ nevertheless himself described the expressions of
“ this paper as ambiguous. Be it so. I will only then
“ remark that *in former times, the reports of Parlia-*
“ *ment were not expressed with ambiguity when they*
“ *enforced the duties of protection and justice towards*
“ *our native subjects.* I would, if it were possible,
“ most willingly persuade myself, that not the language
“ of this report alone, but also the language of the
“ public despatches which it quotes, is really am-
“ biguous. To my understanding they too plainly
“ speak their purpose. But most sincerely shall I
“ rejoice in the assurance that my apprehensions are
“ ill-founded. If they are so, it is of easy proof. No
“ one can then object to the proposal which I shall
“ hereafter submit to your Lordships ; a proposal to
“ obtain from Parliament, in the law which we are
“ now to pass, the same interposition, couched in the
“ same terms, and directed to the same object, which
“ in the Act of 1784 has proved so eminently bene-

“ ficial. To remind us that so important a measure
“ as this cannot be duly executed but after some
“ previous deliberation and inquiry, and on such in-
“ formation as is really necessary to enable our Indian
“ Government to do justice to those for whose benefit
“ it is intended, is only to say of this what is equally
“ true of every other momentous and extensive ar-
“ rangement. I wish it to be so proceeded in. But
“ it is now, I think, between seven and eight years
“ since peace was restored to India. A considerably
“ longer term has elapsed since the acquisition of
“ some of the provinces in question. The settlement
“ itself, whenever it shall be made, will probably be
“ established in the first instance, as was done by Lord
“ Cornwallis, in Bengal, for ten years only, to be then
“ made permanent after an experience of its effects.
“ And if it be not *yet* time to *begin* upon such a work,
“ *when is it to be concluded?* To obtain theoretic
“ perfection in these arrangements is manifestly im-
“ possible. It was the opinion of Lord Cornwallis, a
“ sentiment I think not less wise than humane, that less
“ evil was to be feared from the partial errors of such
“ a measure than from its delay. And such, I am
“ persuaded, is the experience of the fact.

“ But my present object is only to declare the prin-
“ ciple, such as it was declared in 1784; to place, by
“ our new law, the future government of India, be it
“ what it may, under the same injunction which was
“ imposed by the former act on the King’s Com-
“ missioners: and to apply to the ceded and con-
“ quered provinces the same benevolent interposition
“ which Parliament before applied to the provinces

“ then under our dominion. Above all, it is my wish,
 “ by this solemn and authoritative declaration, re-
 “ newed after the experience of so many years, to
 “ *prove to our native subjects the permanency of our*
 “ *principles of right*, and to impress them with the
 “ unalterable conviction, that a *British Legislature*
 “ *estimates the security of their property far above the*
 “ *possible increase of its own revenue.*”

The length to which he had extended his remarks upon the general principles which should be adopted in the government of India, left him no time (he observes) to enlarge upon many details of great moment. He therefore declines entering “ upon the defects of
 “ the judicial system of these provinces, or, into the
 “ present state of their internal legislation and police,
 “ providing (as it too plainly appeared from the
 “ reports upon the table) in no adequate manner for
 “ the personal protection and security of the people.
 “ Neither (he proceeds) will I discuss the question
 “ of taxation. Though I trust in the ultimate con-
 “ clusion of our measure, *it cannot happen* that this
 “ power should, in *any part* of the British empire, be
 “ left to *the discretion of the executive government*,
 “ to be exercised *without the authority, without even*
 “ *the knowledge of Parliament*, and to extend over the
 “ whole property and dealings, both of your native
 “ subjects, and *even of British merchants resorting to*
 “ *that country.*”

The last is a remarkable passage, when compared with the late discussions at the bar, regarding the true meaning and intent of the 98th and 99th clauses of the Act of Parliament, which was passed after all

these debates. Lord Grenville declares his most explicit objection to any vague powers of taxation in India being left to the discretion of the Executive Government, “ to be exercised without the authority, “ without even the knowledge of Parliament.” And as the famous 98th and 99th sections, authorising the imposition of customs and other taxes, passed without any opposition or remark from his Lordship, we must fairly conclude that he did not construe those enactments in the wide sense which has since been given to them. He was as unconscious as the other parties most concerned appear to have long continued, what a numerous brood of taxes they carried in their womb, to come forth after the long gestation of fourteen years.

It is considered of consequence to the subject of the foregoing pages here to subjoin a Report of the Public Meeting held at Calcutta on the 5th of November last, taken from “ The Bengal Hurkaru ” of the succeeding day. It is as follows :—

“ *Calcutta, Tuesday, November 6, 1827.*

“ A meeting was held at the Town-Hall yesterday, pursuant to requisition, for the purpose of petitioning for the equalization of the duties on East and West India sugars, and the removal of the restrictions on the resort of British subjects to India, and their residence therein, with reference to their influence on the commercial prosperity of the country.

“ Mr. **LOWDEN**, the sheriff, having read the requisition, took occasion to advert to a letter in ‘*The Hurkaru*,’ which alluded to the day chosen for the meeting being no less than that of the anniversary of **Guy Fawkes’s** plot—a day most propitious to the dealers in squibs and crackers. The worthy sheriff expressed a hope that, notwithstanding this alarming coincidence, the business of the meeting might pass off without any blow up; a hope which was fully realized by its peaceful result. There was no explosion at the meeting; the government-house still stands where it was; nor have we heard that even one solitary squib has been introduced under it or into it, in order to disturb the repose of its inhabitants. After the exhortation to peace and good order, the sheriff requested the meeting to elect their chairman, and **Mr. James Young** was elected to the chair, and briefly stated the objects of the meeting.

“ **Mr. BRACKEN** then addressed the chairman as follows:—

“ **Mr. Chairman**,—Previous to proposing the resolution which I shall have the honour to submit to the consideration of this meeting, I request permission to offer some observations not only on the objects of the requisition but on a circumstance connected with the *getting up* of the requisition itself. It has been publicly stated, and circulated throughout India, that some of the requisitionists signed the letter to the sheriff without reading it, or, having read it, without perceiving the tendency of the second proposition contained in it. As one of the requisitionists, I beg publicly to declare that statement does not apply to

me; and, were I to judge from the professional caution of the class, and the characteristic sagacity of the country to which all, or most, of the requisitionists belong, I should doubt whether it applied to any. Be this, however, as it may, they are, I believe, here to answer for themselves. I am responsible for my own acts only, and having read, clearly comprehended, and deliberately signed the letter, I am not so alarmed at the sound of my own voice as to wish to deny, or retract, or qualify, in the slightest degree, my entire concurrence in its full scope and its most extended construction.

“ Objections, gentlemen, have been raised, too, against the requisition, in consequence of its embracing two subjects alleged to be of distinct and unconnected interest. With your indulgence, I trust I shall be enabled to prove, before I sit down, that they are closely and intimately united; springing from the same principle, and directed to the same purpose. In considering the first branch, the equalization of the duties on East and West India sugars, and the grounds on which the West India proprietors claim the monopoly of the home-market, and by which they have prevented the possibility almost of an advantageous shipment of sugar from this country, I am fearful I cannot avoid much dry and tedious matter, the repetition of a ‘ thrice-told tale;’ but, on an occasion when we are met to oppose the interests, we are bound to show we understand something of the case of our rivals. .

“ They take their stand on prescriptive right and expediency; and, as regards the first, contend that

they planted, cultivated, and invested large capitals in sugar-plantations, under an implied compact with the legislature, that, so long as they brought the whole of their produce to, and received the whole of their supplies *from*, the mother-country, her market should be secured to them. A glance at the *history* of the sugar-trade will satisfy us that this position is untenable. England was originally supplied by the Portuguese; but the high price induced the legislature to encourage the growth in the British plantations; and, from 1649 to 1792, the importations were almost exclusively from thence. In 1792, prices still continuing high, cultivation in the East Indies was called for by the Parliament and Government; and a quantity, proportionate to the rather slow and unwieldy movements of a chartered company, was shipped. From that period until 1809, there were additions, reductions, and alterations, in the scale of duties, applicable to the sugars of both countries, and, comparatively speaking, they were not very unfavourable to the East Indies. These varying regulations, however, evinced anything but a determination to exclude, under all circumstances, the competition of East India with West India sugars; and, if the importation of the former was so insignificant as not to excite the fears or the jealousies of the West India merchants, we must look to the cause, rather in the limited arrangements of the East India Company, than in any fixed and unalterable policy of the British Parliament. I am confirmed, gentlemen, in this view of the merits of the prescriptive right, by the admission, at a former period, of the sugars of the conquered colonies on the same

footing as those of the old plantations; and, more recently, by the admission of the sugars of the Mauritius, although, in both instances, the parties affecting to suffer by the extension petitioned Parliament against it. It seems, therefore, that the legislature has, on frequent occasions, disputed the claim of right; and has been influenced by considerations of the price of the article in England, and the increase of the revenue in 1813. The West Indians, anticipating the enterprise of the private traders, obtained the duty of which we now complain, and for the continuance of which they have now lost the only plausible pretension they had, viz. the restrictions imposed on them to bring the whole of their produce *to*, and receive the whole of their supplies *from*, the mother-country. These restrictions have lately been in some instances removed, and in others relaxed. On the score of expediency, if the West Indians boast their consumption of the manufactures of the mother-country, we can repeat, nay, exceed that boast, in pointing to the wants of eighty millions of people. The population of the West Indies does not exceed, I believe, one million.

“ If they refer to their encouragement of British shipping, we may advantageously contrast the length of the passage as affording at least an equal nursery for seamen to India, and the greater expenditure of all articles connected with the shipping interest.

“ But of course we are subject to that principle, universally acknowledged, that no nation can *buy*, which is not permitted to *sell*; and, whilst the prohibitive duties are enforced, the extension of the manu-

factures of England must be, with reference to what they *might* be, limited and confined.

“ In approaching the second proposition, I cannot but express my thanks for the friendly caution we have received from an intelligent and watchful guardian of the public weal. He states that he is not asleep. I believe him. He must be more than awake; he cannot but see double in discovering disloyalty and danger to the state, in the humble petition of the British merchants to be allowed to invest their capitals in the purchase of land, and in expensive machinery for the improvement of its produce. His fears remind me of honest David's alarm at receiving Bob Acre's challenge. ‘ It does not look like another letter. It is, as I may say, a malicious, designing looking letter. It smells of powder, like a soldier's pouch. Oons, take care, I should n't wonder but it mayn't go off.’

“ So our requisition, having in view the extension of British skill and capital, has been converted into a formidable attack on the good order and security of the country.

“ Gentlemen, history bears me out in stating that the resort of Europeans to this country has been advantageous to India and to England; and, when we see the good effects of the establishment of respectable indigo-planters, both on the revenues of the Government and the prosperity of the people, in the districts where that valuable commodity is chiefly grown, I cannot but anticipate the same results on the application of capital to the other products of the country.

“ But so long as the prohibition to purchase land exists, and an arbitrary power of transmission to England shall be vested in the local Government, the full and complete advantages contemplated from that skill and capital cannot, in my humble opinion, be realized.

“ It is not necessary to my purpose to comment on the past exercise of this power. I believe it has been generally admitted that, in some instances, it has been, to say the least, hastily used; and that the Court of Directors have not withheld compensation for supposed hardship under its application. But it is the principle of accuser and judge being in the same persons that seems objectionable; and I do hope that a modification of this power may be made, combining the due and efficient control of the Government with the legal and constitutional security of the person and the property of the subject.

“ The delusion that once existed of the barrier opposed, by the institutions of the natives, to the use of articles of European manufacture, has long been dispelled. We have only to refer to the records of the Custom-house in proof of this assertion.

“ In 1813, the exports of cotton goods to India were valued at about £120,000; in 1824, at £1,115,000. This fact speaks for itself; and we should neglect our own interests, the interests of the natives, and the interests of the United Kingdom did we not do all in our power to increase and consolidate the commercial intercourse between the countries. Gentlemen, with your permission, I will now read the first resolution.

“ A gentleman (Mr. Vickers Jacob, we believe) read a letter from Mr. Goulburn, with a view, we believe, of showing that the West Indian made no claim to a monopoly on the score of prescriptive right, but merely claimed a due regard to their interests, involved in the large capitals embarked by them on the faith of laws it was now proposed to abrogate.

“ Mr. COLVIN, in moving the second resolution, stated that he was one of those who had not strictly attended to the language of the requisition; and he was not prepared to go so far as his friend Mr. Bracken, in regard to the object involved by it, although he would not oppose it. His own opinion was, that the power of transmission placed no obstacle in the way of vesting capital in India; for that the power had been very leniently used, of which his own case was an instance, as he had been twenty-five years in India without a license. In the other observations of Mr. Bracken he fully concurred.

“ Mr. G. PRINSEP, in moving the third resolution, expressed his dissent from what had fallen from Mr. Bracken, as to the policy of continuing the power of transmission. He considered it essential to the success of the main object of the meeting to be excessively cautious of manifesting any desire to curtail the ‘ political rights’ of the Company; and seemed, if we rightly understood him, to be of opinion that the question should be confined, itself, to the question of relieving the trade of the country, by the removal of prohibitory duties, and trusting it to the ministry to provide for collateral questions of policy connected with it. Mr.

Prinsep then took a luminous view of the sugar question; in which he satisfactorily showed, we think, that, on principles of political economy, of sound policy, and of strict justice, British India was entitled to the boon which it was the object of the petition to obtain. An argument, which seems to us equally novel and forcible, was the singular predicament in which Great Britain placed herself by the existing law, in the event of some of our West India islands, which have been so often conquered and reconquered, becoming again the property of an enemy. England might then, as we believe she has done before, admit East India sugars on equal terms; but where would be procured the increased production necessary to meet this increased demand upon India? and where that equality of quality, which can only be obtained by an improved process of manufacture, that cannot be suddenly resorted to to meet an emergency? We regret that it is not in our power to give even an outline of Mr. Prinsep's able speech; what we have given is a mere reference to one or two detached points embraced by it.

‘ THE RESOLUTIONS:

“ 1. Moved by Mr. Bracken; seconded by Mr. Bruce—That this Meeting, deeply impressed with a conviction that the commercial intercourse between England and India is susceptible of great and indefinite extension, which is *prevented* by the imposition of extra duties on the products of India, and by *legal obstructions to the application of British skill and capital to the cultivation of those products*, entertain

a just confidence that the wisdom and justice of Parliament will, by the removal of such impediments, give an immediate impulse to the commercial prosperity of both countries, and incalculably promote the general interest of India.

“ 2. Moved by Mr. Gisborne; seconded by Mr. Colvin—That a Petition, to the above effect, be prepared, and submitted to his Majesty, and to both Houses of Parliament.

“ 3. Moved by Mr. Colvin; seconded by Mr. Brown—That this Meeting cannot omit this opportunity of expressing its grateful admiration of the unsolicited and often-renewed efforts of William Woolrych Whitmore, Esq. and other members of the legislature, in support of the claims of India to be put on an equal footing, in point of import duties, with the other tropical dependencies of the British Crown; and that the Chairman of this Meeting do communicate, accordingly, by letter, to Mr. Whitmore, our respectful thanks, and our solicitations for his continued and powerful assistance in a cause which must eventually prevail, when it shall have been fully discussed, and thoroughly understood by our countrymen at home.

“ 4. Moved by Mr. G. A. Prinsep; seconded by Mr. E. Trotter—That the Marquis of Lansdowne and the Right Honourable Lord Goderich be respectfully requested to present and support our Petitions to the House of Lords, and Mr. Huskisson and Mr. Whitmore to the House of Commons.

“ 5. Moved by Mr. E. Trotter; seconded by Mr. J. Cullen—That the following gentlemen be appointed a

Committee for carrying into effect the several objects contemplated in the Resolutions, with power to add to their number: Messrs. Young, Colvin, Gisborne, Bruce, Melville, Brown, Allport, Boyd, G. A. Prinsep, H. Mackenzie, T. Bracken, W. Patrick.

“ 6. Moved by Mr. W. Melville; seconded by Mr. W. Patrick—That the following draft of the Petition to Parliament be adopted by the Meeting; to be engrossed, signed, and despatched with all practicable expedition.

“ THE PETITION.

“ I. That your petitioners have observed, with the utmost satisfaction, the various Acts of Parliament which have, within these few years, been passed for the purpose of facilitating commercial intercourse between Great Britain, her colonies, dependencies, and all other countries; and the unqualified recognition of those sound principles of political economy, by which such intercourse ought invariably to be regulated. Relying on these public pledges, that your Honourable House have nothing more at heart than, by moderate and equal duties, to promote the most advantageous distribution of capital and application of industry, your petitioners beg leave respectfully to remind your Honourable House that the duty of 37s. per cwt. charged on East India sugar, (while that payable by the sugar of the West Indies and the Mauritius is only 27s.) necessarily has the effect of greatly restricting the export and import trade, the public revenue, and general prosperity of India.

“ II. That an equalization of the duties on East

and West India sugar would also be of the most essential benefit to all classes in Great Britain, for whose relief from acknowledged distress the legislature has so frequently desired to provide the means. 1. To the manufacturer—by the increased facility of making returns for the goods sold in India, thus removing a serious obstacle, which at present exists, to the extended consumption of British manufactures in that wide field. 2. To the ship-owner—by a favourable effect upon freight. 3. To the artizans, agriculturists, and general community of Great Britain—by providing the means of meeting the annually increasing demand for sugars at considerably reduced prices. And 4. While the benefits of the measures would thus be shared by the British manufacturer, the ship-owner, and the general community, and a stimulus be given to the extended production of sugar in the British possessions in the East, the revenue, derived by Great Britain from East India sugar, instead of being diminished, would unquestionably be materially augmented.

“ That your petitioners are not aware of any objection that has been, or can be urged, to an equalization of the duty, except that its tendency to reduce the selling price of sugar in England would be prejudicial to the interest of the planters in the West Indies; but, if similar objections have been over-ruled, in numberless instances of a return to sound commercial policy, and if the vast addition to the exportation of sugar from the Mauritius, which immediately followed the equalization of the duties in 1823, has not

been considered a sufficient reason for withdrawing the privilege then extended to that island, your petitioners trust that the same just and wise principles will be applied to promote the agriculture and trade of India.

“ III. That the cultivation of sugar-cane in India is subject to a still greater discouragement than an extra duty of 10s. per cwt. in the regulations of the East India Company, sanctioned by Acts of Parliament, and strictly enforced by the local government, which prohibit British subjects from being proprietors of land. While this prohibition is maintained, your petitioners submit that, although exportation of tropical productions and the importation of British manufactures have been considerably extended, still the opening of the trade, which was granted in 1813, must remain comparatively valueless, the revenues of India unnecessarily cramped, and the native inhabitants but partially impressed with the feelings of attachment to the British Government so desirable to be cherished. While, therefore, we are actuated by a regard to our own immediate interests, we contemplate, in the concession of the prayer of our petition, the attainment of objects essential to the welfare and permanence of the British empire in India. Similar disadvantages to those consequent on the sugar duties are felt as regards rum, coffee, cotton, ginger, and other articles of eastern produce, the removal of which is equally called for.

“ The prayer of your petitioners is that your Honourable House will be pleased to take into consideration the expediency of equalizing the duties charge-

able on sugar and other articles imported from the East and West Indies; and of abolishing all such restrictions, on the resort of British subjects to, and on their residence in, India, as are calculated to affect the commercial prosperity of the country.

THE END.

